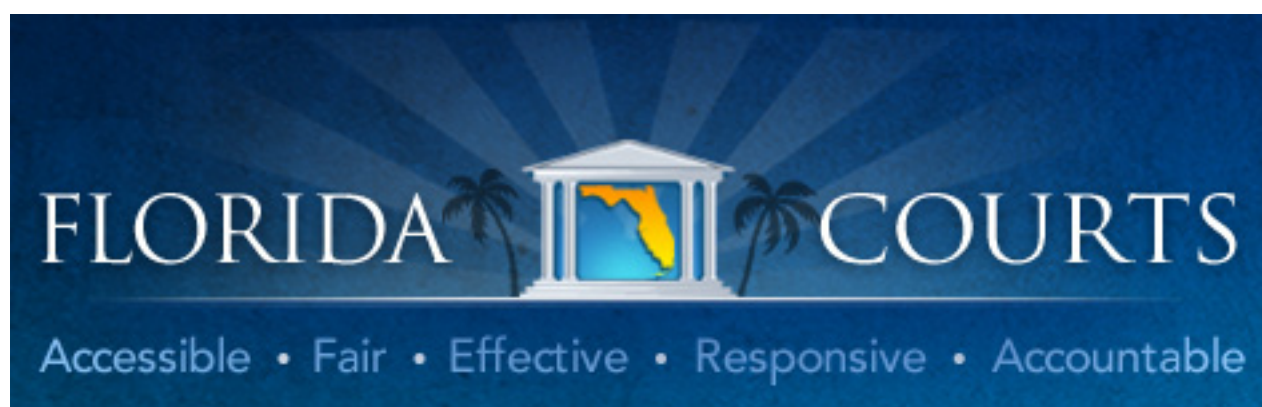


# Short History of Florida State Courts System Processes, Programs, and Initiatives



Office of the State Courts Administrator, Florida

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## **PREFACE**

The *Short History of Florida State Courts System Processes, Programs, and Initiatives* details the major operations and activities of Florida's judicial branch over time and explains how they fit together. It was designed to serve as a companion piece to the *Florida State Courts Annual Reports*, providing extensive background material about the topics that these documents address. It was also conceived as a stand-alone document, offering visitors to the Florida courts website (<http://www.flcourts.org/>) a wealth of information about various branch functions and undertakings, clarifying their rationale and uncovering the historical foundations on which they stand. In addition, in encompassing all this historical data in one volume, the *Short History* seeks to support court leaders in their endeavors to piece together the Florida State Courts System's past—and to understand its influence and impact on the present and the future.

Like the annual reports, the *Short History* is organized around the five broad issue areas of the *Long-Range Strategic Plan for the Florida Judicial Branch 2016 – 2021*. The long-range issues are the high-priority areas that the branch, in seeking to fulfill its mission and reach toward its vision, must address over the long term. The long-range issues are as follows:

Deliver Justice Effectively, Efficiently, and Fairly

Enhance Access to Justice and Court Services

Improve Understanding of the Judicial Process

Modernize the Administration of Justice and Court Facilities

and Maintain a Professional, Ethical, and Skilled Judiciary and Workforce

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# ***Long Range Issue #1: Deliver Justice Effectively, Efficiently, and Fairly***

## **A Brief History of Court Funding**

In 1972, more than two-thirds of Florida voters approved reforms to Article V of the state constitution that sought to bring greater consistency and uniformity to the judicial branch. The ultimate goal of these reforms was to ensure that litigants, regardless of where in Florida they reside, receive similar treatment under Florida law. This constitutional revision had seismic effects on the judicial branch: outcomes included the reorganization of Florida's 16 different types of trial courts into a two-tier system of 20 circuit and 67 county courts; the institution of a series of requirements designed to ensure that judges would be qualified and impartial; and the requirement that the salaries of judges and their assistants be paid by the state, rather than by local governments.

However, most of the other costs of running the courts system were still shouldered by the counties, which often meant substantial discrepancies in funding and services between one county and another. That changed in 2004, with the implementation of section 14 to Article V of the Florida Constitution, commonly called Revision 7. Approved by 67 percent of Florida voters in 1998, Revision 7 had two purposes: to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding across each county in the state.

With the 2004 implementation of Revision 7, general revenue became the primary funding source for the courts. This means when the economy is robust, and sales tax and property revenues are growing, the state's general revenue fund flourishes, giving rise to a healthy court budget. Conversely, when the economy is pinched, every entity that depends on state funding—including the courts system—feels the squeeze. Indeed, during the gloomiest stretch of the recent economic downturn, when the state's general revenue fund plunged dramatically (from fiscal years 2007 – 08 through 2008 – 09), the court budget suffered a 12 percent reduction resulting in the elimination of nearly 300 staff positions, a hiring and travel freeze, a reduction in the number of judicial education programs, and a suspension in the work of numerous court committees. And, as is typical in times of economic distress, just as court services were being reduced or eliminated, citizens and businesses were turning to the courts in greater numbers.

At the same time, foreclosure case filings began rising at historical levels, causing a spike in backlogged foreclosure cases. This had both direct and indirect economic consequences, further destabilizing Florida's already fragile financial state. To ensure the timely administration of justice and to safeguard the viability of the courts system, branch leaders began advocating the adoption of budgeting practices that would better stabilize the operations of the courts during periods of fiscal crisis.

To protect the courts from further reductions in budget and personnel during economically-distressed times, in January 2009, lawmakers established the State Courts Revenue Trust Fund, which they bolstered with higher filing fees and some fine revenues. With the creation of this dedicated funding source for the branch, the courts shifted from being primarily general revenue-funded to being primarily trust-funded (for instance, in the first year after this change was instituted, fiscal year 2009 – 10, the court budget was 70 percent trust-funded; in fiscal years 2010 – 11 and 2011 – 12, it was 90 percent trust-funded).

In spring 2009, after foreclosure filings began reaching singular heights, the legislature designated foreclosure filing fees as the principal source of revenue for the trust fund. However, with this change—coupled with the shift to being primarily trust-funded—the judicial branch budget became vulnerable to volatility beyond its control. This vulnerability became especially pronounced in October 2010, when foreclosure filings, which had grown to average more than 30,000 per month, fell to under 9,000 per month. Inescapably, this monumental drop in filings caused a huge shortfall in the trust fund, and when trust fund revenue was insufficient to support the branch’s appropriated budget, the chief justice had to secure emergency funding from the governor and legislature.

Seeking to restore revenue stability to the state courts system, the legislature adopted a different approach in spring 2012: given the unpredictable swings in mortgage foreclosure filings, lawmakers decided to direct most of those filing fees away from the courts system’s trust fund and into the state’s general revenue fund (which, because of its size, can better withstand the swings), thereby making general revenue the primary funding source for the courts once again.

In fiscal year 2014 – 15, for instance, 78 percent of the court budget derived from general revenue, with 22 percent coming from trust funds; in the 2015 – 16 fiscal year, 81 percent came from general revenue and 19 percent, from trust funds; and in the 2016 – 17 fiscal year, 83 came from general revenue, with 17 percent coming from trust funds.

Note: Florida’s courts system is paid for in part by court users, pursuant to fees specified by the legislature. Such court-related revenue also supports the clerks of court and various non-court state entities and programs. All told, Florida’s judicial branch receives less than one percent of the state’s total budget (generally, lawmakers appropriate between .6 and .7 percent of the state budget to the courts). [\(To learn more about court funding and courts system appropriations, take this link.\)](#)

## The Unification of Florida’s Courts System

The phenomenon called the Florida State Courts System didn’t really exist until fairly recently. Florida’s judiciary used to consist of a host of relatively independent, local courts of varying calibers. The courts didn’t begin to become a system until the passage of a 1972 constitutional revision overhauling Article V of the state constitution (which establishes the judicial branch). This constitutional revision established the two-tier courts system, created the position of chief judge, and designated the chief justice as the chief administrative officer for the entire courts system, instituting the structural unification of Florida’s courts—the first step toward becoming a system.

To ensure the swift and smooth administration of justice, the judicial branch needed to continue on this path toward modernization. Increasingly, the courts were finding it necessary to make use of supplementary resources (e.g., case managers, magistrates and hearing officers, court interpreters, administrative and technology staff) due to the growing number of cases; the expanding classification of crimes; the implementation of new, mandatory criminal procedural requirements; the increasing complexity of legal issues; and the changing demographics of the state. These resources needed to be managed efficiently and effectively. Therefore, not long

after the 1972 constitutional revision was passed, the judicial branch turned its focus to the establishment of administrative unification—the next stage in the evolution of the courts system.

Meanwhile, although the state still funded the salaries of judges and their assistants, most other costs of running the courts system were covered locally, which often meant dramatic inequities in funding and services between one county and another. In 1998, 67 percent of Florida voters approved amending section 14 to Article V of the Florida Constitution, commonly called Revision 7—an amendment designed to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding in each county—so that all Floridians, regardless of their county of residence, could have access to the same essential trial court services. Since the passage of Revision 7, which was implemented in 2004, the courts system has been progressing toward budgetary unification.

As a result of these steps—beginning with structural unification and moving on to administrative and budgetary unification—the courts system has become better organized and more consolidated, able to provide more homogenous treatment and more equitable services to Floridians all across the state.

## Judicial Branch Governance

“The judicial branch will be governed in an effective and efficient manner.” With these words, the judicial branch’s second long-range plan ([\*The Long-Range Strategic Plan for the Florida Judicial Branch: 2009 – 2015\*](#)) enunciated the first goal of issue #1, Strengthening Governance and Independence. The plan recommended several strategies for achieving this goal, the first of which was to “reform and strengthen the governance and policy development structures of the judicial branch.” The plan held that “A more permanent and streamlined framework for decision-making and setting policy would benefit the branch as well as court system users and provide for greater consistency and continuity of administration.”

Responding to this recommendation, then Chief Justice Peggy A. Quince, in an October 2009 administrative order, stated that it was “appropriate and timely for the judicial branch to undertake a study of its present governance structure.” In addition to calling attention to the above recommendation of the long-range plan, the chief justice named several other issues that prompted her interest in re-examining the judicial branch’s internal governance structure: specifically, the branch’s historically diffuse governance and administrative structure; the effects of the shift, from the local to the state level, of the greater responsibility for court funding; the growing complexity of issues coming before the courts; and the need to develop and implement responsive, consistent, and timely court policies. To address these issues, she established the Judicial Branch Governance Study Group; she appointed Justice Ricky Polston to chair this 11-member body, which included representation from each of the four tiers of court (membership comprised two supreme court justices, two DCA judges, three circuit court judges, and two county court judges, as well as two Florida Bar representatives).

The administrative order directed the study group to perform an in-depth analysis of the branch’s current governance system and, based on its findings, to draft a report that included an examination of the structure and functions of the present governance system and an evaluation of its efficiency and effectiveness; recommendations of actions or activities that would improve



the governance of the branch; and recommendations of any changes to the current structure that would improve the effective and efficient management of the branch. ([This link goes to the administrative order.](#))

To carry out this in-depth study, the group took a thorough, three-pronged approach. The first prong consisted of in-person or phone interviews with more than 40 key court system experts (e.g., presiding and former justices, chairs of judicial conferences, chief judges, chairs of court committees, justice partners, and professional court staff) about governance practices currently in place. Prong two was a web-based survey of a diverse sampling of 100 judges and 350 court staff about intra-branch communication. For the third prong, Justice Polston solicited comments regarding collaboration with court leadership on policy development, rulemaking processes, and legislative/funding issues from groups with a stake in the court system's governance structure (e.g., members of select Florida Bar sections and rules committees, statewide business associations). Simultaneously, OSCA's Strategic Planning Unit, which was providing staff support, researched the judicial branch governance structures of other states. Supported by a State Justice Institute grant, the study group hired consultants from the National Center for State Courts to help with the extensive data collection and with analyzing and synthesizing all the materials gathered; the consultants finalized the research results in a report to the study group.

Members of the study group were divided into subcommittees to make recommendations in response to the consultants' conclusions, and then the full group met in person to consider each subcommittee's recommendations. After spirited discussion, the study group revised the recommendations, voted (votes were unanimous on most topics), and approved the proposed recommendations. It submitted its final report to the supreme court in January 2011. ([This link goes to the study group's final report.](#))

The supreme court responded to the report in a per curiam opinion in February 2012. In *In Re: Implementation of Judicial Branch Governance Study Group Recommendations—Amendments to the Florida Rules of Judicial Administration*, the court began by outlining the six categories of recommendations proffered by the study group: 1) the role and responsibilities of the supreme court and the roles, responsibilities, terms, and selection of the chief justice as well as the chief judges of the DCAs and trial courts; 2) the role of OSCA; 3) the role and structure of the Judicial Management Council; 4) the authority of the conferences of judges; 5) communication within the branch; and 6) legislative advocacy on behalf of the branch. The opinion then stated, "We adopt many of the rule changes as suggested, adopt some suggested changes with modifications, and adopt other rule changes on our own motion." ([Follow this link to the opinion.](#))

The most momentous changes involved leadership and communication issues. For instance, adopted amendments recognized the supreme court's authority to establish policy for the entire judicial branch; defined more clearly and strengthened the leadership role and authority of the chief justice; defined more clearly and strengthened the leadership role and authority of the chief judges of the trial courts and DCAs; and prescribed regular meetings between the chief justice and chief judges to discuss, exchange information about, and provide feedback on the implementation of policies and practices that have statewide impact.

Another rule change established the Judicial Management Council that is currently in operation (this is, in fact, the judicial branch's fifth judicial management council; prior incarnations were operational from 1953 – 1980; from 1985 – 1995; from 1995 – 2004; and from 2006 – 2008). This council has a more limited membership than its forebears (only 15 voting members): it is chaired by the chief justice and includes another supreme court justice, representatives from each level of court, Florida Bar members, and public members; the state courts administrator

is a nonvoting member. The council, which meets at least quarterly, has five areas of responsibility: to identify potential crisis situations affecting the branch and develop strategies for addressing them; to identify and evaluate information that will assist in improving the performance and effectiveness of the branch; to develop and monitor progress related to the branch's long-range planning endeavors; to review the charges of the various court and Florida Bar commissions and committees, recommend consolidation or revision, and propose a method for coordinating their work; and to address issues that the court brings to the council. As articulated in the per curiam opinion, the council is "part of a loop that will assist the Court with forward-looking vision, while the Court gets feedback from the trial and district courts, the chief judges, and the conferences."

The opinion emphasizes that the rule changes adopted by the supreme court "are intended to strengthen the governance and policy development structures of the Florida judicial branch, improve the effective and efficient management of the branch, and enhance communication within the branch"—ultimately enabling the branch to better fulfill its mission and achieve its vision.

## Florida's Judicial Councils: A History

In a 2012 per curiam opinion responding to the recommendations of the Judicial Branch Study Group, the supreme court called for the re-creation of the Judicial Management Council. Members of Florida's court family are likely to remember the branch's prior council, established by then Chief Justice R. Fred Lewis in 2006 and operative until 2008. And some might recall an earlier version of the council, active between 1995 and 2002. In fact, these councils have a pair of even more distant ancestors: the first incarnation, called the Judicial Council of Florida, was created by the legislature in 1953 and served the court system until 1980; this was followed by the 1985 establishment, by court rule, of a second Judicial Council. This article traces the unfolding of these advisory bodies—unveiling the august foundation on which the most recently created council was built.

### **The Judicial Council of Florida, 1953 – 1980**

The impetus to institute the state's first judicial council actually came from The Florida Bar, which had been "long concerned about the congestion in the courts of the State, especially in the court of last resort, the Supreme Court, in which the number of cases had risen to about 1250 yearly, in contrast with a national average of about 333 cases in courts of final appellate jurisdiction" (former Justice Elwyn Thomas, "The Judicial Council of Florida," 1958). Seeking strategies for remedying the overloaded court and for achieving a more efficient administration of justice generally, The Florida Bar, through its legislative committee, successfully sponsored a bill to create the council in the 1953 legislative session. That year, just over half the states in the nation had a judicial council: "Florida became the twenty-third state to have a Judicial Council by legislative enactment; five other states [had] a judicial council by constitution, court rule or other authority" (Herbert U. Feibelman, "Florida's Judicial Council," *Florida Bar Journal*, March 1954).

As defined in the statute, the governor made all appointments to that 17-member body, and membership included a supreme court justice or retired justice, who served as the presiding officer; a circuit judge; a county judge; the attorney general or designee; four Bar members; and nine laypeople.



The council's overarching responsibility was to make a "continuous survey and study of the organization, procedure, practice, rules, and methods of administration and operation of each and all of the courts of this state, the volume and condition of business in said courts, the work accomplished and the results obtained." Toward that end, it was specifically tasked with collecting and analyzing statistics showing the work of the various courts; gathering and considering criticism and suggestions from sources associated with the administration of justice; and recommending to lawmakers any changes in the organization, jurisdiction, operation, procedure, and methods of conducting the business of the courts that would require legislative action—and recommending to the courts any changes in the rules and practices or methods of administering judicial business that might simplify, improve, or expedite the administration of justice (section 43.15, Florida Statutes, 1953).

One of the council's most notable accomplishments was its drafting of the 1956 amendment to the Florida Constitution. Adopted by the legislature and ratified by voters, this amendment created intermediate courts of appeal to alleviate the overburdened supreme court and to make appellate courts more accessible to litigants; defined the new jurisdiction of the supreme court; and empowered the chief justice to adopt uniform rules governing the practice and procedure in all the state courts. Soon after the amendment passed, the state's first DCAs were established; housed in Tallahassee, Lakeland, and Miami, the three DCAs were each initially staffed with three judges. (The council had other visionary proposals that, in the end, were excluded from the 1956 amendment but were adopted in later periods of judicial reform; read about them in A. Bradford Smith's "Progress in Florida: The Judicial Council and Its Work," *ABA Journal*, June 1956.)

A less conspicuous accomplishment of the state's first Judicial Council—but still very important, and now of historical interest—was its gathering of caseload statistics, publicized in its annual reports (it released 25 reports in all). Each year, and on each court, the council collected data on, among other things, the number and categories of cases on the docket, number of cases added, number of cases disposed of, and number of cases pending. Through the late 70s, these annual reports were the only repositories of these statewide data. (Please note: OSCA did not begin capturing statewide data until 1978, so it cannot verify the accuracy of these numbers.)

The council was considered an active leader in judicial reform through 1972—the year that voters approved another set of dramatic revisions to Article V of the state constitution—this time, modernizing and bringing greater consistency and uniformity to the judicial branch. That year, all lower courts were placed under the administrative supervision of the chief justice. Also that year, to support its burgeoning administrative responsibilities, the supreme court created the Office of the State Courts Administrator (OSCA), whose primary responsibility, at first, was the development of a uniform case reporting system (i.e., a mechanism for methodically capturing categories of cases, time required in the disposition of cases, and manner of disposition of cases); ultimately, the branch was seeking to establish uniform criteria to help it determine judicial need, best allocate its resources, and manage individual and collective dockets. With OSCA now responsible for the collection of judicial data, one of the Judicial Council's major tasks had become redundant. For this, and several other reasons, the legislature decided to sunset the Judicial Council in 1980.

### **The Judicial Council of Florida, 1985 – 1995**

Then in 1985, in a per curiam opinion, the supreme court adopted rule 2.125 of the Florida Rules of Judicial Administration, establishing a "permanent judicial council." The rule stipulated that the chief justice or a designee serve as presiding officer of the council; others on this 23-member body included three DCA judges (including the conference president), three circuit court

judges (including the conference chair), three county court judges (including the conference president), a state attorney, a public defender, a clerk of the court, four Florida Bar members (including the Bar president), and six public members. Excepting the responsibility of collecting, analyzing, and publishing caseload statistics—with which OSCA was now tasked—the specifics of the council's charges were articulated similarly to those of its predecessor: in essence, its job was to aid the judicial branch in managing its resources and to study and recommend to the supreme court changes to simplify, expedite, and improve the administration of justice in Florida.

During its tenure, the Judicial Council released several reports. OSCA still retains copies of many of these reports. In addition, the Florida Supreme Court Library has copies of two of the council's annual reports (1986 and 1987). The first report reveals that one of the first major issues the council addressed was establishing time standards for disposing of cases in trial and appellate courts (it references the chief justice's administrative orders implementing the council's recommendations for time standards). The second report notes that the council "made recommendations concerning the implementation of alternative dispute processes, child support matters, reducing costs and improving efficiency in court reporter services, the substantial need for increased funding for public defender offices, the need for a detailed study concerning consolidation of Florida's trial courts, impeachment of judges, and procedures for selecting and terminating trial court administrators." The council produced at least two other reports (available at the State Library of Florida): one, a study of the appropriate roles for state and local governments in financing the trial court system (1987), and the second, a review of Article V costs and revenues and proposals for financing the court system (1991).

### **The Judicial Management Council, 1995 – 2004**

In 1995, the court reorganized the Judicial Council. The 1995 rule amendment (now rule 2.225) completely replaced the previous rule, and, to reflect the council's new focuses, the court made a name change, calling the new body the Judicial Management Council (JMC). The JMC had 21 official members (and varying numbers of ex-officio members over the years), all appointed by the chief justice; in addition to the membership spectrum of prior councils, this one included someone from the governor's legal office, two legislators, and a member of the Florida Council of 100. It was tasked with the comprehensive study and formulation of recommendations on issues related to the efficient and effective administration of justice that might have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community; the development of the long-range strategic plan and an accountability program for the branch; the development of recommendations to the Constitution Revision Commission; the review of other commissions, committees, etc., that consider matters with policy, funding, or operational implications for the judicial branch; and liaising with private sector entities with an interest in the court system.

The JMC's first considerable undertaking was its development of the branch's first long-range plans; in conjunction, it produced the first two-year operational plan. The JMC also undertook several initiatives to build public trust and confidence in the branch (e.g., through its Committee on Communications and Public Information, established in 1996, and through a series of discussion forums with representatives from the three branches of government, the legal community, and the general public). In addition, the JMC focused on branch performance and accountability (it established a Committee on District Court of Appeal Performance and Accountability in 1997 and a Committee on Trial Court Performance and Accountability in 1998—whose work became particularly pressing as the court system moved toward implementing Revision 7). The JMC remained active until 2002, when the court system's top priority was the 2004 implementation of Revision 7. At that point, the JMC became dormant, and activity in critical areas was shifted to committees outside the JMC.

## **The Judicial Management Council, 2006 – 2008**

In 2006, with Revision 7 fully implemented and the branch having resumed a more quotidian rhythm once again, then Chief Justice Lewis declared, "It is appropriate to reauthorize and renew the Council." In an administrative order, the JMC was "reconstituted as a judicial branch advisory council for the purposes of providing a formal mechanism for effective two-way communication about the justice system between major citizen constituencies and the courts, informing the public about the justice system, and providing a unique and broad perspective on significant court initiatives." Taking a "collaborative approach," this 27-member JMC, whose membership configuration was similar to its immediate predecessor's, was designed to provide branch leaders "with a broad perspective on the myriad of administrative challenges facing the Florida courts."

Like its antecedents, the goals of this JMC were indisputably admirable and important. But time, unfortunately, was not on the council's side. For not long after it was established, Florida, like the rest of the nation, began struggling with the ramifications of the escalating recession. Between fiscal years 2007–08 and 2008–09, the court system's budget suffered a dramatic decline: beginning at \$491 million, it was reduced to \$478 million, then to \$438 million, and finally settled at \$433 million—a 12% drop. Meanwhile, close to 300 court positions across the state were eliminated; a hiring freeze and travel freeze were instituted; court education programs were curtailed; and many committees and task forces were temporarily suspended. At the same time, caseloads, particularly mortgage foreclosure filings, began soaring. This was not the sort of climate in which the JMC could flourish, and it was put in abeyance in 2008.

Nonetheless, this JMC clearly re-galvanized interest among branch leaders in having an advisory council in place. When the economy began to recover and court funding began to show signs of stabilizing, the supreme court re-created the JMC.

## **The Judicial Management Council, 2012**

The current Judicial Management Council has a more limited membership and more circumscribed responsibilities than its forebears. The chief justice chairs it, and the 15 voting members comprise the chief justice and another justice, representatives from each level of court, and public members; the state courts administrator is a nonvoting member. On a temporary, as-needed basis, the council invites others to participate as members of JMC workgroups established by the chief justice; they are not members of the full JMC but do serve as voting members of the workgroups, which bring forward recommendations to the full council.

The 2012 per curiam opinion envisioned the new council as being "part of a loop that will assist the Court with forward-looking vision, while the Court gets feedback from the trial and district courts, the chief judges, and the conferences." Meeting at least quarterly, the council has five areas of responsibility: to identify potential crisis situations affecting the branch and develop strategies for addressing them; to identify and evaluate information that will assist in improving the performance and effectiveness of the branch; to develop and monitor progress related to the branch's long-range planning endeavors; to review the charges of the various court and Florida Bar commissions and commissions, recommending consolidation or revision, and propose a method for coordinating the work of these bodies; and to address issues that the court brings to the council.

The JMC was designed to function as a nimble body that can respond swiftly and dynamically to administrative issues the branch is facing. This agility is achieved through the creation of workgroups, each of which is charged with specific tasks and is sunsetted when its tasks are completed. Initially, the chief justice established three workgroups: Access to Justice; Performance; and Education and Outreach. The Access to Justice Workgroup has been focusing on the development of interactive, web-based, guided interviews to facilitate self-represented litigants'

access to the courts. The Performance Workgroup, after reviewing filing and disposition trends by case type and level of work, made recommendations to the court about how to meet future branch needs for uniform and consistent data reporting and analysis in some crucial performance areas. To address issues relating to effective internal and external communication, public trust and confidence, and the use of clear, unified messages within and outside the judicial branch, the Education and Outreach Workgroup updated the branch-wide communication plan; the plan was approved by the supreme court, and implementation began in January 2016. Then in 2014 – 15, the Long-Range Strategic Planning Workgroup was established to refresh the branch's long-range plan; *The Long-Range Strategic Plan for the Florida Judicial Branch 2016 – 2021* was approved by the supreme court, and implementation began in January 2016. In 2016, two additional workgroups were appointed: the Trial Court Security Workgroup and the Guardianship Workgroup.

## The Judicial Branch's 2016 – 2021 Long-Range Plan and its Antecedents

At the twilight of 2015, the judicial branch released its third long-range plan, *Justice: Fair and Accessible to All, The Long-Range Strategic Plan for the Florida Judicial Branch, 2016 – 2021*. Chief Justice Labarga described the new plan as “a comprehensive and balanced blueprint based on more than a year of meticulous work.”

The new plan has much in common with its two predecessors, *Taking Bearings, Setting Course*, published in 1998, and *The Long-Range Strategic Plan for the Florida Judicial Branch: 2009 – 2015*, published in 2009. Each is the product of a comprehensive outreach effort that included hard copy and/or electronic surveys devised for a variety of court audiences (judges, quasi-judicial officers, court personnel, clerk of the court personnel, attorneys, justice partners, jurors, court users, and the general public); telephone and/or mail surveys; meetings with justice system partners; and regional public forums. Also, each of the three plans is organized around five long-range issues that frame the basic direction of the branch over the long term. In addition, each was designed to function as a roadmap that embodies where the judicial branch is and where it hopes to be; these roadmaps are simultaneously aspirational (in that they reach toward a desired end) and practical (in that they enumerate goals that must be met to achieve that end). And, finally, because branch leaders have long-recognized that an organization guided by a long-range plan is best-situated to exercise a measure of control over the shape and health of its future, the three long-range plans were all developed to support branch efforts to anticipate change (and to react quickly, dexterously, and effectively when change does occur) and to keep its ultimate objectives in sight, even in crisis situations.

But even though it shares these fundamental similarities, the newly released plan is also quite different from its forerunners. Most conspicuously, the new plan is emphatically more concise. *Taking Bearings, Setting Course* (which comprises the first long-range plan plus a host of rich introductory materials and appendices) stretches for more than 100 pages. Although considerably shorter, the second plan (with its accompanying materials) is still more than 30 pages long. In stark contrast, the new plan is a trifold—slim, elegant, and portable enough to tuck into one's 10-inch tablet folio. According to the Judicial Management Council's Long-Range Strategic Planning Workgroup (the entity that was responsible for re-evaluating and refreshing the long-range plan), the hope is that a pithy plan will be digestible and accessible, thus more routinely usable, useful, and, ultimately, implementable than a lengthy plan.



Less immediately evident are the differences in the long-range issues around which the three plans are structured. Three of the long-range issues in the current plan share a close kinship with issues in the prior plans (though the accents fall on slightly different notes this time), and two of the long-range issues, though implicit in the prior plans, now have a prominence they didn't have previously. For instance, readers are likely to recognize the language of long-range issues 2, 4, and 5—"Enhance Access to Justice and Court Services," "Modernize the Administration of Justice and Operation of Court Facilities," and "Maintain a Professional, Ethical, and Skilled Judiciary and Workforce." Less familiar is the language of the new long-range issues 1 and 3—"Deliver Justice Effectively, Efficiently, and Fairly" and "Improve Understanding of the Judicial Process." The evolution of the long-range issues and their desired end states reflects the necessarily adaptive nature of a long-range plan. Over time, trends change; circumstances change; the challenges facing the courts change. Thus, in order to keep its long-range plan responsive, relevant, and useful, the judicial branch must review it periodically, modifying the long-range issues and goals in answer to the changes the courts are facing.

A highly salient and significant difference between the current plan and its ancestors is that the new plan does not suggest particular strategies for achieving its goals. The first plan enumerated 13 goals and offered 39 strategies for reaching them; the second plan articulated 16 goals, with 71 strategies for actualizing them. The current plan identifies 29 goals, but the workgroup chose not to include strategies so as to allow for flexibility in determining which goals to target and how to achieve them. The elimination of goal-related strategies is connected to another considerable difference between the current plan and its forebears. In years past, no formal procedure was in place for institutionalizing the plan or for monitoring advances toward achieving its goals. This time, however, in seeking to ensure that the plan is carried out, the supreme court approved a course of action that urges local jurisdictions and court committees to develop their own strategies for realizing the goals.

On the local level, courts were asked to identify their own priorities and needs within the context of the plan and to devise strategies to carry out whichever of the 29 goals are most likely to help them equip themselves to address the challenges of providing justice to all. OSCA's Strategic Planning Unit was directed to provide local jurisdictions with the support they need to address the aspects of the plan on which they decide to focus. And on the statewide level, the supreme court relies heavily on the 21 supreme court committees that are staffed by OSCA personnel for monitoring initiatives related to the plan. Committee chairs were asked to identify activities in progress or about to be undertaken that can serve as strategies for advancing specific goals within the plan. In addition, as the chief justice develops new administrative orders for committee terms, the charges contain references to the plan and specific goal language, as appropriate. The Judicial Management Council, charged with "developing and monitoring progress relating to long-range planning for the judicial branch," will evaluate advances toward goal achievement on an ongoing basis.

The plan was released in December 2015, and the supreme court identified it as a branch priority. To promulgate it, the Judicial Management Council's Long-Range Strategic Planning Workgroup developed a compelling brochure (the trifold described earlier) depicting the plan's issues and goals and has distributed it to judges and court personnel throughout the court system. The plan is also available online—along with some background information about the development of the plan, an executive summary of the workgroup's outreach findings, and the results of an environmental scan that the Strategic Planning Unit performed in 2014 in anticipation of the revising of the long-range plan. ([This link provides access to all these documents.](#)) In addition, to make the framework of the plan accessible to judges, court personnel, and the public, a video about the plan was developed and posted on many court websites; featuring Chief Justice Labarga, the video emphasizes the priority of the plan and explains the importance of its long-range issues

and goals. ([This link goes to the video.](#)) Judicial Management Council members and Strategic Planning Unit staff are also helping to promote the plan, making themselves available to present informational sessions about it and to offer practical implementation strategies at court committee meetings, court conferences, and other court-related gatherings.

Heralding the publication of the plan, Chief Justice Labarga called it “faithful to the fundamental role courts play in our society and our government.” He also emphasized that the plan “serves as an essential warning of the changing circumstances that have already begun to confront courts and will become even more significant over the next several years.” But while serving as a cautionary note, the long-range plan also acts as a ballast—for, as the branch navigates these changing circumstances, the plan is firmly in place to “assist the Supreme Court and the Chief Justice as they provide leadership and direction to the branch.”

## ***Long-Range Issue #2: Enhance Access to Justice and Court Services***

### **Florida Commission on Access to Civil Justice**

At his passing of the gavel ceremony on June 30, 2014, Chief Justice Jorge Labarga spoke passionately about the challenges faced by disadvantaged, low-income, and moderate-income Floridians when seeking meaningful and informed access to the civil justice system. One of the most effective ways to navigate the legal system is to engage legal representation, he pointed out. And legal representation is guaranteed for low-income individuals in criminal cases. But in civil cases (e.g., those related to family matters, home ownership and landlord-tenant issues, and veterans’ benefits), defendants have no right to representation. They either must pay out of pocket for legal counsel (often not an option, as attorney fees in Florida run upwards of \$250 per hour). Or they must represent themselves—and try to make sense of a spate of processes, laws, rules, and forms that can be mystifying to non-lawyers.

The chief justice also noted that, in the past, these Floridians could apply for free or low-cost legal help through legal aid services—but because the funding sources for these services have diminished steadily these last few years, only a small percentage of those who need civil legal assistance are actually able to obtain it.

In short, for these Floridians who are caught in the “civil justice gap,” securing legal representation for civil matters is often not feasible. And although Florida’s courts have been working to develop forms, instructions, and other self-help resources, and although other entities in the justice system have tried, within the scope of their authority, to improve the availability and delivery of legal services, many Floridians still encounter obstacles when seeking access to the civil justice system. Calling this a critical issue for the state, the chief justice announced that access to justice for all Floridians would be one of the top priorities of his administration.



At a ceremony in the Florida Supreme Court rotunda on November 24, 2014, he signed an administrative order creating the Florida Commission on Access to Civil Justice. Recognizing that access to civil justice is a societal concern, he emphasized that the solutions would require a broad, holistic approach that depends on all segments of society, not just its attorneys and lawmakers. Therefore, this commission “bring[s] together the three branches of government, the Bar, civil legal aid providers, the business community, and other well-known stakeholders in a coordinated effort to identify and remove these economic barriers to civil justice.” Urging the 27-member commission to “consider Florida’s legal assistance delivery system as a whole,” his administrative order directs members to “consider and evaluate components of a continuum of services for the unrepresented, taking into account consumer needs and preferences.” Among the components suggested are “interactive forms; unbundled legal services; the involvement of court, law, and public libraries; and other innovations and alternatives.” The administrative order also bids the commission to “examine ways to leverage technology in expanding access to civil justice for disadvantaged, low income, and moderate income Floridians.” Supported in its work and goals by The Florida Bar and the Office of the State Courts Administrator, with additional support from The Florida Bar Foundation, the commission, which had its first meeting in January 2015, has made “a coordinated effort to identify and remove barriers to civil justice.” ([This link goes to the administrative order.](#))

At the commission’s first meeting, members learned about the scope of the problem and the urgent need for action and discovered what other state access commissions have been doing to address the issue (the keynote speaker was The Honorable Nathan Hecht, chief justice of the Supreme Court of Texas, who has played a major role in the access to justice efforts in his home state). Members then began considering the role the commission could play in improving the availability and delivery of judicial and legal services for Floridians who fall into the civil justice gap. To carry out the commission’s charges, Chief Justice Labarga, who chairs the commission, also announced the creation of five subcommittees: Outreach, Access to and the Delivery of Legal Services, Continuum of Services, Technology, and Funding. ([This link goes to the website of the Florida Commission on Access to Civil Justice.](#))

In its first year and a half, the commission met as a whole five times; in addition, the five subcommittees met separately, on a regular basis. On June 30, 2016, it submitted its final report describing its accomplishments, providing an overview of the work completed by each subcommittee, and proposing next steps, including recommendations to the supreme court. The final report builds on previous reports and updates the interim recommendations the commission made in October 2015.

The final report provides updates on several promising projects for connecting disadvantaged, low-income, and moderate-income Floridians with legal resources. The four that have generated the most excitement so far are the implementation of a gateway portal, the expanded use of emeritus attorneys, the adoption of a cy pres rule or statute, and the development of Do-It-Yourself Florida. ([This link goes to the final report.](#))

### **Gateway Portal**

The commission proposed the development of a statewide online triage gateway that will identify and recommend the best existing civil legal resources for users based on variables such as location, income, language, and other related factors. In essence, the gateway portal would serve as an online connector to resources such as hotlines, law libraries, legal aid organizations, and court self-help centers. The commission has been working with the Florida Justice Technology Center (a nonprofit center that works on harnessing technology to increase access to justice) to design and implement a pilot project in Clay County.

### **Emeritus Attorneys**

The commission recommended emendations to Rule 12 of the Rules Regulating The Florida Bar to permit retired judges and retired and active law professors to serve as emeritus attorneys. The commission also proposed expanding areas of the law in which attorneys are allowed to practice as well as allowing emeritus attorneys to provide advice and assistance to clients whose legal problems are not likely to be subject to litigation. Florida Bar committees have been reviewing these proposed rule changes, and, if approved, they will be submitted to the supreme court for consideration.

### **Cy Pres Rule**

From the French, “cy pres comme possible,” meaning “as near as possible,” cy pres is a doctrine that permits a court to award any unallocated, unclaimed, or undeliverable funds from a class action settlement or judgment to a non-profit organization. The commission discovered that 18 states have cy pres statutes or court rules that designate for legal aid programs any funds left over after class-action settlements are distributed to the plaintiffs covered by the lawsuit. The commission recommended that the supreme court develop a specific proposal for a cy pres rule in Florida, and the court referred the matter to The Florida Bar’s Civil Procedure Rules Committee, which is currently researching the issue.

### **Do-It-Yourself Florida**

OSCA, at the direction of the Judicial Management Council and in cooperation with The Florida Bar and the Florida Court Clerks and Comptrollers, has been developing web-based, interactive “interviews” to help self-represented litigants navigate the court system. Users are guided through a series of questions that enable them to assemble pleadings and other documents suitable for filing either through the statewide electronic filing portal or in person at the local clerk’s office.

In his cover letter presenting the final report to his supreme court colleagues, Chief Justice Labarga praised the Florida Access Commission for the foundation it has laid: “While much remains to be done, I am proud of the Commission’s achievements thus far,” he wrote, adding, “I am confident that the Commission is on the right path toward addressing the long-term and complex issues that impede access to the civil justice system by disadvantaged, low-income and moderate-income Floridians.” To ensure further advances in the court’s access to justice efforts, the work of the commission must continue in order to “bridge the gap that keeps too many people from meaningful access to civil justice,” the report concluded. The supreme court concurred with this recommendation, and in an October 2016 administrative order, the Florida Commission on Access to Civil Justice was re-established as a standing committee. ([Take this link to the administrative order.](#))

## Fairness and Diversity Awareness

The judicial branch strives to create court settings that are free of bias—environments in which judges, court personnel, attorneys, and litigants treat each other with courtesy, dignity, and consideration. Indeed, the judicial branch emphasizes that striving for fairness is one of its fundamental values, expounding on this in its vision statement, where it specifies that, “To be fair, the Florida justice system will respect the dignity of every person, regardless of race, class, gender or other characteristic, apply the law appropriately to the circumstances of individual case, and include judges and court staff who reflect the community’s diversity.” *The Long-Range Strategic Plan for the Florida Judicial Branch, 2016 – 2021* reinforces this commitment: the first goal under long-range issue #1, Deliver Justice Effectively, Efficiently, and Fairly, is to “Perform judicial duties and administer justice without bias or prejudice.”

Since the 80s, with the help of several supreme court-appointed committees, the branch has endeavored to realize this aspiration; committees include the Gender Bias Study Commission (1987), the Racial and Ethnic Bias Study Commission (1989), the Committee on the Court-Related Needs of Elders and Persons with Disabilities (early 1990s), and the Commission on Fairness (1987). More recently (in 2004), the court established the Standing Committee on Fairness and Diversity “to advance the State Courts System’s efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, financial status, or any characteristic that is without legal relevance.”

The standing committee has made great progress over the years. Among its accomplishments, it created an online court diversity information resource center; produced a report titled *Promoting and Ensuring the Diversity of Judicial Staff Attorneys and Law Clerks*, whose recommendations continue to be implemented by the courts; coordinated an extensive outreach project on perceptions of fairness in Florida’s courts and prepared a comprehensive report based on the findings; and coordinated the development of a courts-specific survey instrument for evaluating all state court facilities to determine their accessibility to people with disabilities. Ongoing projects include the coordination of regular diversity and sensitivity awareness programs for judges and court staff; the implementation of 26 diversity teams (one in each circuit court and DCA and one in the supreme court/OSCA) to advance court-wide education programs and to produce and promulgate public educational materials; the encouragement of local initiatives to strengthen court-community relationships; the production of practical educational materials to help judges, court staff, and attorneys recognize, respond to, and understand their role in eliminating bias from the courtroom; and collaborations with the Florida Court Education Council to identify and recommend resources for implementing fairness and diversity training for judges and court personnel at the local, regional, and state levels. ([This link goes to information about the courts system’s fairness and diversity initiatives.](#))

One of the committee’s leading responsibilities is to ensure that diversity awareness programs are regularly available for Florida’s judges. The need for diversity awareness programs has grown over the years, in part due to a rule change (recommended by the committee and supported by the Florida Court Education Council) that allows judges to use approved courses in fairness and diversity training to fulfill the four-hour ethics requirement they must meet every three years, and in part due to a requirement that new judges attend a full-day, in-person fairness and diversity training within three years of becoming a judge. To date, more than 1,000 judges and senior judges have completed a full-day training program. More recently, the committee has been working to provide diversity awareness trainings for court staff—and, so far, hundreds have participated in a training.

In addition, the committee works with the courts system's 26 diversity teams, providing support for sustaining diversity awareness by combining diversity education programs with other local initiatives designed to appreciate differences and celebrate diversity—initiatives like diversity mixers and minority mentoring picnics, for instance.

The committee also supports local court efforts to reach out to and educate the public about the courts system, thereby strengthening court-community relationships and enhancing the public image of the judicial branch. Recent court-community relationship-building activities include courthouse tours, Justice Teaching and other school outreach initiatives, teen courts, Law Day and Constitution Day activities, "meet your judge" and "inside the courts" programs, jury appreciation events, adoption events, speaker's bureaus, citizens guides, citizen advisory committees, and the like. ([This link goes to a compilation of court-community relations activities.](#))

To advance fairness and diversity in the legal profession, the committee also continues its efforts to build partnerships and collaborations with the Supreme Court of Florida Commission on Professionalism, local bar associations, community organizations, and Florida law schools. Members of the committee participate in numerous events sponsored by these entities to help develop, implement, and enhance diversity education programs and opportunities in the legal profession. In addition, the committee maintains connections with the deans of the Florida law schools and offers itself as a resource to the schools and their students. Committee members also take advantage of opportunities to give presentations at and to participate in various local, regional, and statewide fairness and diversity events—among them, diversity picnics, diversity mixers, cultural awareness presentations, and diversity symposiums.

## Court Interpreting in Florida's Courts

According to the data collected by the US Census Bureau, more than half of the nation's foreign born population resides in four states: California, New York, Texas, and Florida. Of the nearly 20.3 million people currently residing in Florida, approximately 20.6 percent are foreign born, with approximately 27.8 percent speaking a language other than English at home (2010 -2014 American Community Survey, Five-Year Estimate).

The judicial branch recognizes that language barriers can limit access to the courts and court services and has noted that "Non-English speakers and those not fluent in English generally have significant difficulty understanding the court system and may not be able to fully participate in the court process. Our system of jurisprudence may be unfamiliar to citizens from other nations, and may present a level of complexity that is intimidating and frustrating." To ensure that all people, regardless of their ability to communicate effectively in the English language, have meaningful access to the courts, the branch is committed to building a reserve of qualified court interpreters and to harnessing technology to facilitate the sharing of interpreting resources among circuits.

To reduce the effect of language barriers, the courts must have access to a pool of well-qualified court interpreters—and judges and trial court administrators must have the means to evaluate the credentials of spoken language interpreters seeking appointment. To support these efforts, the supreme court adopted the Florida Rules for Certification and Regulation of Court Interpret-

ers (the Court Interpreter Rules) in 2006. In adopting the rules, the court also created the Court Interpreter Certification Board, which is responsible for certifying, regulating, and disciplining court interpreters as well as for suspending and revoking certification. At the same time, the court established the court interpreter certification program.

The Court Interpreter Rules initially established two levels of expertise for spoken language interpreters working in the courts: certified interpreters and duly qualified interpreters. To become a certified interpreter, an applicant had to attend a two-day orientation program offered by OSCA; pass a written examination; pass an oral proficiency examination; take an oath to uphold the code of conduct for court interpreters; undergo a background check; and comply with continuing education requirements. A duly qualified interpreter, on the other hand, merely had to attend the OSCA orientation program, obtain a passing grade on the written examination, be “familiar with” the court interpreters’ code of conduct, and have “an understanding of basic legal terminology in both languages.”

However, while the Court Interpreter Certification Board acknowledged that the court interpreter program made considerable progress in eliminating language barriers in the courts, it opined that the program could be strengthened and better equipped to provide effective interpreting services. After performing a comprehensive study of the program, the Supreme Court Commission on Trial Court Performance and Accountability corroborated the board’s opinion, finding problems with the certification process (including lack of incentive for interpreters to become certified and inadequate standards for duly qualified interpreters). In response to the study, the board proposed amendments to the Court Interpreter Rules that would improve the overall quality of interpreting services available to the courts. In a March 2014 opinion, the supreme court adopted the amendments as proposed.

In the amended rules, the “duly qualified” designation was eliminated. Instead, the classification system now has three tiers, with the following official designations: a certified court interpreter has achieved the highest level of expertise; a language-skilled interpreter has reached the same level of proficiency—but in a language for which no certification exam is available; and a provisionally approved interpreter has passed the oral performance exam and satisfied the other general prerequisites but is not yet certified in a spoken language for which a state-certifying exam is available. The rule amendments also require that a provisionally approved interpreter complete the process of becoming certified within two years of attending the orientation program. In addition, the rules stipulate that applicants selected as employee interpreters—if they are not certified at the time of court employment—must become certified within one year of being employed in a court interpreting position. Finally, the amended rules clarify that the certified court interpreter designation is the preferred designation when selecting court-appointed interpreters, when arranging for contractual interpreter services, and when making staff hiring decisions. ([This link goes to In Re: Amendments to the Florida Rules for Certification and Regulation of Court Interpreters.](#))

As a result of the rule amendments, the court interpreter program now has greater leverage in encouraging court interpreters to become certified. The changes also strengthen the provision of interpreting services in the courts; help judges select the most qualified interpreters available for service in court proceedings; and eliminate the disparity in the qualifications interpreters are required to possess to perform interpreting services in Florida’s courts.

The judicial branch has also made progress in expanding its repertoire of approved continuing education programs. Among the requirements for maintaining certification, court interpreters must earn a minimum of 16 hours of continuing interpreter education credits every two years. Continuing education was phased in on July 1, 2010, and, since that time, more than 140 con-



tinuing interpreter education programs have received board approval. Initially, all the approved programs were offered by private entities. But, before long, a number of circuits began developing their own trainings to meet the specific needs of their court interpreters: as of 2016, nine circuits had received approval for their locally-devised programs. ([Take this link to see the approved continuing interpreter education programs.](#))

Finally, the branch continues to work on the language access priorities it identified in the wake of the October 2012 National Language Access Summit. The Florida team that attended the summit proposed six recommendations for the supreme court's consideration: designate a language access advisory committee to make policy recommendations to the court; enhance remote interpreting services; institute a grievance complaint process; evaluate existing standards and best practices; conduct outreach on collaborating with other entities (universities, national testing organizations) to expand interpreter resources; and enhance judicial education. The court approved all six recommendations, and the board has been applying its efforts to the first three so far: the Court Interpreter Board was granted expanded authority to serve as a language access advisory committee; it is developing a grievance process modelled after the ADA Accommodations and Grievance Procedure; and it is working with other court committees to expand the use of remote interpreting technology. Through initiatives like these, the branch advances its efforts to improve the quality and accessibility of language access services in Florida's courts.

## Court Access for People with Disabilities

The Americans with Disabilities Act (ADA), enacted in 1990, was established to ensure that people with disabilities have the same opportunities that are available to people without disabilities. Often called the most significant piece of federal legislation since the Civil Rights Act of 1964, the ADA protects people who have impairments that substantially limit major life activities, such as breathing, seeing, hearing, speaking, understanding, learning, walking, caring for themselves, performing manual tasks, and working. According to the most recent census data, approximately one in five people in the US report having one or more disabilities.

Moreover, since the nation's population is aging, and since the risk of having impairments grows with age, the number of people with disabilities is likely to increase in the coming years. This is of special import in Florida, the state with the highest rate of residents who are 65 years or older (19.1 percent of the population in 2014, according to the US Census Bureau). To provide meaningful access to Florida's courts for all people, the judicial branch continues its efforts to ensure that people with disabilities can effectively participate in court proceedings, programs, and services.

The branch has a longstanding commitment to compliance with the ADA. For instance, the ADA requires that public entities with 50 or more employees assign at least one employee to coordinate ADA compliance—and Florida's courts system has consistently exceeded this mandate: since 1990, each of Florida's 20 circuits and five DCAs has had at least one ADA coordinator to facilitate compliance at the local level, and the branch has also had a statewide ADA coordinator to provide technical assistance to judicial officers and court employees regarding court compliance with the ADA.



Also of note is the branch's endeavors to minimize the effects of physical barriers to Florida's courts—an undertaking that then Chief Justice R. Fred Lewis highlighted in 2006, when he appointed a committee to oversee a multi-year, branch-wide court accessibility initiative. Members of the Court Accessibility Subcommittee developed a courts-specific survey instrument to identify architectural obstacles in public areas of court facilities, worked with chief judges to create a Court Accessibility Team in each circuit and appellate court, and provided regional training sessions to teach the teams how to survey and evaluate their court facilities. Thereafter, each team developed a transition plan that identified its court's barriers, devised measures for addressing the problems, and determined who would be responsible for correcting the problems. Even when funding is constrained at the state and local levels, Florida's courts continue to work steadily to eradicate architectural hurdles that thwart access for people with disabilities. As the economy continues to show signs of strengthening and more resources are available for addressing courthouses' ADA-related concerns, state and county lawmakers earmark funding for making needed improvements to existing structures and for replacing dilapidated ones. Constructed in compliance with the 2010 *ADA Standards for Accessible Design*, these buildings are readily accessible to and usable by people with disabilities.

While reducing architectural barriers, the judicial branch has also been working to eradicate impediments to electronic access. As an entity covered by Title II of the ADA, state courts are required to by federal law to ensure equal access to all of their services, programs, and activities—and that means that communications via electronic information and information technologies must also be accessible to people with disabilities. Courts are relying increasingly on making information and services available online, and, since 2007, ADA coordinators have been partnering with court technology staff to ensure that their web-based communications are accessible to people using assistive devices like screen readers. The goal of the ADA coordinators is to ensure that these communications are as effective and accessible for people with disabilities as they are for others. ([This link goes to ADA and Court Accessibility Information.](#))

## Family Court Initiatives

Separation and divorce, child support, termination of parental rights, delinquency, dependency, family violence, child neglect and abuse, substance abuse, mental illness—some of life's most complex, distressing, and private family matters end up being adjudicated in the courts. Since launching its first family court initiative in 1991, the judicial branch has been working with federal, state, and community partners to develop comprehensive, integrated approaches to handling these sensitive matters. Through its implementation of innovative practices and programs under the aegis of family court, the branch works to resolve family-related disputes in a fair, timely, efficient, and cost-effective way.

Many of the branch's innovative family court programs, projects, and practices are spearheaded by the supreme court's Steering Committee on Families and Children in the Court (originally called the Family Court Steering Committee), established in 1994. Receiving authority and direction through an administrative order of the chief justice, this 23-member body of judges, quasi-judicial officers, and justice system partners provide guidance and support to courts around the state, helping to enhance the efficiency and effectiveness of family court operations.

[\(This link goes to information about the Steering Committee on Families and Children in the Court.\)](#) Also providing assistance in advancing the family court goals is OSCA's Office of Court Improvement (OCI); in addition to staffing the steering committee, OCI develops and coordinates a wide range of family court trainings, publications, and other projects. [\(Take this link to learn more about the work of OCI and to access its publications.\)](#)

One of the steering committee's responsibilities is to provide assistance to the judicial branch's statewide, multidisciplinary Dependency Court Improvement Panel, which was established in 2009 by then Chief Justice Peggy Quince to improve courtroom practices and decision-making in dependency cases. (The panel was created in response to a federal Child and Family Services Review that discovered a number of shortcomings in Florida's child welfare system; while the Department of Children and Families is responsible for addressing most of the deficiencies, the courts system, through the Dependency Court Improvement Panel, has been taking concurrent action to improve dependency court.)

The panel, with the support of OCI, concentrates on projects like the Early Childhood Court Initiative, which grew out of a concern about a pattern that was becoming increasingly evident to judges on the family court bench. Called the multigenerational transmission of trauma and maltreatment, this pattern unfolds as follows: children who are maltreated often end up suffering a host of developmental issues (e.g., cognitive problems, speech delays, health problems, motor delays, and mental health problems); if the underlying factors are not addressed, the effects worsen over time, and the child appearing in dependency court today is likely to end up in delinquency court years later—and, later still, in court again, facing, perhaps, a domestic violence injunction or a paternity matter. To address this concern, many courts across Florida began establishing Early Childhood Court Teams. Comprising judges, case workers, attorneys, and parent and community organizations, these teams collaborate with experts in early childhood development and mental health to learn how to identify and expand evidence-based services for, and how to prevent the further traumatization of, young children.

The steering committee is also focused on ensuring that children engaged in the justice system achieve school stability and are not subject to suspension, expulsion, or arrests at higher rates than their peers. Seeking a strategy to help children stay in school and out of court, the steering committee and OCI, working with the Florida Department of Education, created an online School-Justice Partnership Tool Kit, conceived as an ongoing mechanism to develop and encourage collaborations among the courts, school resource officers and school administrators, state agencies, service providers and law enforcement in each county. This "how-to guide," largely based on the Palm Beach County School-Justice Partnership, offers alternatives to arrests, suspensions, and expulsions, such as the adoption of practices like a model discipline code, school liaisons in the courtroom, and juvenile probation officers stationed in schools. [\(For more information about the School-Justice Partnership, please follow this link.\)](#)

Increasingly, many of the branch's family court projects—like the School-Justice Partnerships, the Early Childhood Court Initiative, and the Evidence-Based Parenting Initiative—involve multi-systems work. Multi-systems partnerships recognize the benefits of collective impact in two ways: they aim to improve outcomes for children and families involved in multiple systems, and they offer effective methods for tackling large, complex social issues that affect children and families. The branch participates in several other projects that involve multi-systems collaborations, including the Florida Children and Youth Cabinet and the Multi-Agency Child Welfare Workgroup.

The judicial branch also develops important resources for the domestic violence division. Domestic violence cases involve many different entities—law enforcement, judges and court personnel, staff attorneys, public defenders, advocates, probation officers, and other professionals

in the domestic violence field. In order for this complex, intricate system to operate effectively—and in order to ensure the safety of the victims, protect the due process rights of all parties, and hold perpetrators accountable—these entities must endeavor to respond as a coordinated community: all must be well-informed about the numerous components of the process and must strive to work collaboratively to help families access resources and navigate the justice system. To facilitate this process, OCI, with information gleaned from court observations and from surveys tailored to each of the various stakeholder groups, and with feedback from its Domestic Violence Advisory Group and from focus groups comprising diverse domestic violence professionals, developed a long-range plan that identifies, prioritizes, and addresses the domestic violence issues that Florida’s courts system currently faces. This report, and the input of the Domestic Violence Advisory Group, guide OCI’s domestic violence-related goals and plans.

Through gathering information and feedback for the development of the long-range plan, OCI became aware of the pressing need to devote more resources to education and training on the subjects of domestic violence, sexual violence, dating violence, repeat violence, and stalking. To meet this need, OCI established the Florida Judicial Institute on Domestic Violence—now called the Florida Institute on Interpersonal Violence (to reflect changes in the STOP Violence Against Women Grant formula that expands the reach of the domestic violence umbrella to include sexual violence). The institute is a repository of helpful resources, including case law updates, a calendar of training events, publications and materials prepared by Florida state courts system entities as well as other state and national organizations, and links to a plethora of training opportunities—webinars, virtual court, videos, and online and in-person training events—all of which aim to support the Florida courts system’s response to issues associated with interpersonal violence.

One of the institute’s principal objectives is to enhance statewide consistency and uniformity in the handling of domestic violence cases, and, toward this end, the institute facilitates comprehensive education programs for judges involved with domestic violence injunctions specifically or with domestic violence issues generally. Moreover, now that approximately one-third of OSCA’s STOP Grant funding is required to be directed toward projects addressing sexual violence within a domestic violence framework, OCI has expanded the scope of its training, offering trainings on topics such as the issues surrounding strangulation, for example; OCI is also completing a sexual violence benchbook and preparing materials to support the work of judges who handle sexual violence on the criminal bench. ([Take this link to access the Florida Institute on Interpersonal Violence.](#))

## Florida's Problem-Solving Courts and Initiatives

In the late 1980s, crack cocaine usage began to plague the neighborhoods of Dade County. The scourge became so serious that the prospect of jail overcrowding and federal court-imposed sanctions was imminent: thousands of offenders charged with possession and purchase of controlled substances began to overwhelm the courts, and judges and court personnel realized that something radical had to be done quickly.

In 1989, with approval from the Florida Supreme Court and the support of a range of state and local community leaders, Judge Herbert Klein, Eleventh Circuit, conceived and implemented the nation's—and the world's—first drug court. In actualizing his vision, Judge Klein set in motion what became the national drug court movement: these days, more than 3,000 drug courts are in operation across the country, according to the National Institute of Justice, and they can be found in every state and US territory. Judge Klein's pioneering efforts also sparked a profound change in the way the US responds when a person suffering from drug and/or alcohol addiction is arrested. Often called "the most successful criminal justice reform of our nation's history," drug court has since prompted the creation of other kinds of problem-solving dockets using the drug court model—among them, mental health court, veterans court, domestic violence court, and truancy court.

Problem-solving dockets are designed to help individuals who have specific needs and problems that are not being addressed, or cannot adequately be addressed, in traditional courts. Although most problem-solving dockets are relatively new, studies have already shown that this approach, which hinges on differentiated case management (that is, adapting the case management process to the requirements of specific case types), significantly reduces crime—and provides better treatment outcomes and produces better cost benefits than other criminal justice strategies. Ultimately, this strategy has a more positive effect on the lives of the participants, their families, their victims, and their communities. The most prevalent problem-solving courts in Florida are drug court, mental health court, and veterans court. ([For more information about Florida's problem-solving dockets, follow this link.](#))

Many of the initiatives discussed below have grown out of the recommendations of the supreme court's Task Force on Substance Abuse and Mental Health Issues in the Courts. Established in 2010, this task force (a merger of the court's Task Force on Treatment-Based Drug Court and the Mental Health Subcommittee) is charged with addressing the needs and challenges of individuals with serious mental illnesses and substance abuse disorders who become involved in the justice system. Chaired by Judge Steven Leifman, Miami-Dade County, and supported by OSCA's Office of Court Improvement (OCI), the task force has a far-reaching membership that includes judges, quasi-judicial officers, justice system partners, and representatives from Florida's Department of Children and Families, Department of Corrections, and Agency for Health Care Administration. ([This link goes to the task force's 2016 administrative order.](#))

### Drug Court

Florida's legislature has a long history of support for drug court. In 1993, for instance, lawmakers provided for pretrial substance abuse education and treatment intervention programs for eligible nonviolent felony offenders; these programs were the precursors to the various forms of drug court that exist in the state today. And in 2001, the legislature, stating that it "recognizes that the integration of judicial supervision, treatment, accountability, and sanctions greatly increases the effectiveness of substance abuse treatment," encouraged the implementation of drug courts "in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction by breaking the cycle of addiction which is the most predominant cause of cases entering the justice system" [Section 397.334, Florida Statutes (2001)]. The

legislature also fostered the development of adult post-adjudicatory drug courts: in 2009, when the economy was deep in the throes of the recession and the prison population was still growing, lawmakers, in an effort to conserve public dollars, supported the expansion of the number of adult post-adjudicatory drug courts in the state; although the program was initially funded with \$18.9 million in federal stimulus money, lawmakers voted to fund the initiative after the grant expired in 2013, and then in 2014, they appropriated recurring dollars to continue the program long-term.

In Florida, drug court comprises a 12 to 18-month process during which nonviolent offenders whose crimes are related to a substance abuse disorder or addiction are placed in a treatment program under the close supervision of a judge and a team of treatment and justice system professionals. Although each drug court in the state is singular, reflecting the needs, priorities, and culture of its local community, drug courts tend to have certain features in common: for example, they take a less adversarial approach than traditional criminal justice strategies; they require participants to maintain ongoing interaction with the court; they collaborate closely with community partners to offer a range of treatment and rehabilitation services; they require participants to undergo frequent, random alcohol and drug tests, closely monitoring compliance and conferring rewards and, when necessary, imposing sanctions; and they are structured to achieve positive outcomes for the participants—and for those whose lives they touch.

### **Mental Health Initiatives**

The same circumstances that spurred the development of drug courts prompted the creation of mental health diversion programs, mental health dockets, and mental health courts: offenders in need of treatment services. With the reduced availability of community resources to provide treatment for people with serious mental illnesses—one of the consequences of the recent recession—the courts began seeing a significant increase in the number of repeat offenders with untreated mental illnesses. Florida's jails and prisons are not designed, equipped, or funded to accommodate these offenders. However, the drug court model offers a viable alternative. Like drug courts, mental health courts hold offenders accountable while connecting them to the treatment services they need to address their mental health disorders. Monitoring and treating them in a mental health court is more effective, efficient, and economical than the remedies available through traditional justice system approaches.

In addition to promoting the establishment of mental health dockets across the state, the Task Force on Substance Abuse and Mental Health Issues in the Courts also advocates the development of safe, effective, and cost-efficient alternative placement options for people adjudicated incompetent to proceed or not guilty by reason of insanity.

Task force chair Judge Leifman underscores that Florida's current forensic treatment system does not prevent individuals from becoming involved in the justice system—nor does it reduce recidivism to jails, prisons, and state hospitals. Moreover, it is expensive: "Florida currently spends more than \$210 million annually—one third of all adult mental health dollars and two thirds of all state mental health hospital dollars—on 1,700 beds serving roughly 3,000 individuals under forensic commitment" (*Miami-Dade Forensic Alternative Center Pilot Program Status Report*, 2014). Based on historic growth rates, these expenditures are forecast to increase significantly, by as much as a billion dollars each year over the next decade.

Instead of recommending admission to forensic treatment facilities for individuals with serious mental illnesses or co-occurring mental health and substance use disorders, the task force recommends community-based services and support, recognizing that this alternative approach saves taxpayer dollars—and it also redirects the state's financial priorities from the incarceration of nonviolent offenders to their rehabilitation.



Thus the task force has explored the options for expanding the Miami-Dade Forensic Alternative Center (MD-FAC), a successful, community-based forensic commitment program that aims to successfully reintegrate its patients into the community. Established in August 2009, this program is a collaborative effort between the Eleventh Judicial Circuit and the Department of Children and Families; it admits adults age 18 and older who have been found by the circuit to be incompetent to proceed on a second or third degree felony, who do not have significant histories of violent felony offenses, and who are not likely to face incarceration if convicted of their alleged offenses. In addition, admission is limited to individuals who would otherwise be committed to the Department of Children and Families and admitted to state forensic treatment facilities.

Individuals admitted to the program are diverted from forensic treatment facilities into a secure inpatient setting where they receive crisis stabilization and short-term residential treatment services, which include illness management and community re-entry. When they are ready to step down to less restrictive community placement and outpatient services, they are given re-entry assistance and ongoing support services. Unlike state forensic treatment facilities, this program keeps in the program—rather than in jail—those individuals who are awaiting trial once their competency has been restored; as a result, these individuals are less likely to experience deterioration of psychiatric functioning and thus less likely to be declared incompetent to proceed again.

In an analysis comparing patients treated at the MD-FAC with demographically comparable individuals committed to a state facility, researchers at the University of Miami Miller School of Medicine found that patients admitted to the MD-FAC had lower recidivism rates, and their likelihood of not returning to jail in the year following discharge was doubled (and, for those who did return to jail, they spent two-thirds fewer days incarcerated than the state facility patients did). In addition, the average length of stay was one-third shorter at the MD-FAC inpatient unit and cost half as much as inpatient admission to a state forensic treatment facility. Judge Leifman and the task force continue to press for the passage of bills to support the expansion of this program to other areas in the state.

### **Veterans Court**

More than 21 million veterans live in the US, and, according to the Florida Department of Veterans Affairs, Florida—which ranks third in total veteran population—is home to more than 1.5 million (around 8 percent of the state’s total population). Veterans frequently return home with physical injuries—but war commonly leaves profound psychological scars as well. In addition to depression, veterans often suffer from two “signature injuries” of war—traumatic brain injury and post-traumatic stress disorder; all three are risk factors for substance abuse. Veterans often find it difficult to re-assimilate into their communities—and those with untreated substance abuse or mental health issues may find it even harder to return to their home lives. These challenges can lead to criminal activity.

Veterans court was founded in 2008 in Buffalo, NY, to address the substance abuse and mental health needs of veterans within the criminal justice system. Veterans court utilizes the drug court model: it holds offenders answerable for their offenses while connecting them with treatment services that address the complex needs associated with substance abuse, mental illness, and concerns particular to the traumatic experience of war. However, veterans court is different from drug court and mental health court in that it relies significantly on the use of mentors—other veterans in the community who volunteer to support defendants with one-on-one time and attention. In addition, veterans courts leverage resources from the US Department of Veterans Affairs to serve these offenders’ treatment needs.



Florida launched its first veterans docket in 2010, and as of May 2016, Florida has 24 veterans courts in operation, four of which are operating as a part of drug court and/or mental health court. These dockets have been showing great promise, and lawmakers are encouraging the development of more special dockets and diversion programs for veterans. Indeed, in 2011, in honor of Okaloosa County Judge T. Patt Maney, who was a brigadier general with the Army Reserves and established one of the state's first veterans dockets, lawmakers established the T. Patt Maney Veterans Intervention Act; this act provides that the chief judge of each circuit may establish court dockets under which judges may sentence veterans and service members who are convicted of a criminal offense and who suffer from certain military service-related disorders (i.e., mental illness, traumatic brain injury, substance abuse disorder, or psychological problems) in a manner that addresses the disorders through services tailored to each participant's individual needs.

## Alternative Dispute Resolution

Mediation and other methods of alternative dispute resolution (ADR) help to improve the administration of justice by promoting communication between parties (thereby opening the door to problem-solving), by conserving judicial time, and by helping the branch use public resources responsibly.

ADR is not new to this country. Beginning in the 1930s, people made considerable use of ADR practices, primarily to settle labor-management disputes. With the rise of the civil rights movement thirty years later, when the courts found themselves glutted with civil and criminal disputes that, in simpler times, had been dealt with in more intimate, neighborly contexts (by families, communities, and local civic interventions, for instance), the notion of developing alternative methods for resolving problems became both appealing and critical. As communities began to experiment with unorthodox strategies for solving disputes, they reinvigorated interest in mediation and other ADR practices.

Florida's court system has actively promoted the use of alternative dispute resolution methods since the 1970s. ADR had its origins in Dade County, which established the first citizen dispute center in 1975. For the first 12 years, legislation authorized the creation of citizen dispute settlement centers and the judicial referral of cases to family mediation, but, on the whole, most of the ADR momentum was fomented by grassroots efforts.

That all changed in 1988, when, as a result of the reports of Florida's 1985 and 1986 Legislative Study Commissions, groundbreaking legislation was adopted to grant trial judges the power to refer any contested civil matter to mediation or arbitration. In addition, the Florida Supreme Court was authorized to create standards for a range of ADR elements including certification, training, conduct, and discipline. As a result of this legislation, ADR in Florida was elevated to a venerated place in the civil justice system.

At about the same time, former Chief Justice Joseph Boyd and Talbot "Sandy" D'Alemberte, former president of the American Bar Association and former dean of Florida State University College of Law, established the Florida Dispute Resolution Center (DRC) as the first statewide hub for education, training, and research in the area of ADR. This legislation and the creation of the DRC facilitated the flowering of ADR, particularly of mediation, in Florida. As a result, Florida

began to develop what has become one of the most extensive, court-connected mediation programs in the country.

Housed in the supreme court building, the DRC has a broad range of responsibilities: it sponsors an annual conference for alternative dispute resolution professionals; conducts county mediation training for volunteers; assists local courts throughout the state, as needed; and provides staff assistance to four supreme court mediation boards and committees (the Supreme Court Committee on ADR Rules and Policy, the Mediator Ethics Advisory Committee, a mediator grievance board, and a grievance board for certified mediation training programs). The DRC also certifies mediators and mediation training programs in five areas: county, family, circuit, dependency, and appellate. Currently, nearly 6,000 supreme court-certified mediators serve the state and its citizens.

The DRC's annual statewide conference is its crowning continuing education event—and it has been growing in size and scope since its inauguration in 1992. At these conferences, participants have the opportunity to earn their required continuing mediator education credits while learning about a host of ADR-related topics. Recent conferences have paid homage to the considerable transformations that ADR in Florida has been undergoing these last few years. Some of these changes have been spurred by new technologies, including the DRC's significant expansion of its web presence and its automation and streamlining of many of its processes to better assist mediators, trainers, attorneys, and the public. But some of the developments are connected to the broadening field of ADR: in the past, most people associated ADR with mediation, but now, mediation is regarded as just one of many ADR processes. Among the various new ADR roles, for instance, is the parenting coordinator (parenting coordination is a child-focused ADR process in which mental health or legal professionals with mediation training assist parents in creating and implementing their parenting plan). Indeed, the reach of the DRC has recently expanded to include some oversight for parenting coordination training program approvals and oversight of the process governing complaints filed against parenting coordinators. ([This link goes to information about ADR in Florida and the DRC.](#))

## The Florida Courts System's Mortgage Foreclosure Initiative

Glorious beaches, boundless sunshine, low unemployment, a relatively modest cost of living, a surge in domestic retirees, an increase in foreign investors...in the earliest years of the twenty-first century, many appealing ingredients combined to spur Florida's economy into becoming one of the most vigorous in the nation. And the housing market in Florida mushroomed as well—aided by the same factors that made home-buying more affordable across the country: sub-prime lending, zero-interest loans, low-interest ARMs, and zero down payments. According to the Florida Association of Realtors, from 2000 to mid-2005, the median sales price of a single family home in Florida jumped 88.6 percent, and in 2005, four of the top five metropolitan areas in the US with the greatest home price appreciation were in Florida.

However, escalating home values—along with the decreasing housing supply, rising interest rates, immoderate home equity withdrawals, pervasive real estate speculation, the widespread securitization of loans, and regulatory loopholes—soon made Florida's housing market one of the most volatile in the US. Such overheated markets are unsustainable, and Florida, once referred

to as the “poster child for the real estate boom,” came to be known as the “poster child for the real estate bust.”

Real estate busts profoundly affect property owners, neighborhoods, communities, real estate values, local businesses, and mortgage markets. And they also have a dramatic effect on the courts. Normally, Florida has about 6,000 foreclosure filings a month—or about 70,000 a year. However, as early as 2006, before there was much talk on the national level about a real estate bust, civil courts in several Florida counties were already beginning to show signs of unusual activity. In fact, before the year was over, foreclosure filings had started to rise across the state, with the last quarter of 2006 showing over 8,000 per month. Then in 2007, foreclosure filings more than doubled: Florida’s courts logged over 182,000 that year. And the numbers continued increasing precipitously: with one in five Florida homeowners in foreclosure or seriously behind on mortgage payments, it became “normal” for the courts to see between 30,000 and 40,000 filings per month in 2008 and 2009. By June 30, 2010, 462,339 foreclosure cases had been filed and—due to their sheer volume and the lack of judicial resources—were inundating the courts.

Through the implementation of a two-year Foreclosure Initiative that began on July 1, 2013, the courts were successfully able to reduce the glut of backlogged cases while protecting the rights of the parties involved in litigation. Fundamental to the initiative’s success was the \$21.3 million that the legislature appropriated to the Florida courts system from the National Mortgage Settlement funds: \$16 million for human resources such as additional senior judge days, general magistrates, and case managers, and \$5.3 million for technology enhancements; lawmakers also designated \$9.7 million to the clerks of court to assist with these cases (the funding was earmarked for fiscal years 2013 – 14 and 2014 – 15).

Also critical to the initiative’s success was the trial courts’ implementation of the practical strategies recommended in the judicial branch’s *Foreclosure Backlog Reduction Plan*, released in April 2013. The plan, developed by the Trial Court Budget Commission’s Foreclosure Initiative Workgroup, took a bottom-up approach, basing its recommendations largely on process improvements that were already showing great potential at the local level. In developing the plan, the workgroup aimed to present the trial courts with a range of viable, resourceful, cost-effective methods to consider in addressing their backlog crisis.

The plan offered four recommendations to address the problems impeding the just and timely processing of foreclosure cases—three pertaining to personnel and case management, and one concerning the utilization of technology resources. First was the implementation of more active judicial or quasi-judicial case management and adjudication, including expanded use of general magistrates into the civil division (the supreme court adopted rule 1.491, Florida Rules of Civil Procedure, to authorize referral of residential mortgage foreclosure cases to general magistrates with implied consent of the parties). The plan also recommended that each chief judge develop a case management plan that optimizes the circuit’s use of existing and additional resources in the resolution of foreclosure cases. In addition, the plan called for the hiring of additional case management personnel to allow for focused attention on older foreclosure cases.

To help judges move the foreclosure cases forward, the plan also urged the adoption of the Court Application Processing System (CAPS): an interactive, web-based application that enables judges to view and work on electronic documents, to manage their cases electronically from any location and across many devices, and to issue court documents electronically; it also provides them with basic tools and capabilities at the local level to manage and track case activity. ([To read the plan, take this link.](#))

The supreme court adopted the plan in June 2013, and the Foreclosure Initiative was launched. When the initiative began, on July 1, 2013 (the start of the 2013 – 14 fiscal year), more than 329,000 foreclosure cases were pending before the courts; and when the initiative ended, on June 30, 2015 (the end of the 2014 – 15 fiscal year), 83,179 foreclosure cases were pending (this amount factored in the 163,152 new foreclosure cases that were filed within that time span). Altogether, the courts disposed of 378,446 foreclosure cases during the two-year stretch of the initiative. Since then, the number of pending cases has returned to normal levels; indeed, in fiscal year 2015 – 16, the number of filings was lower than it had been before the recession hit. ([For more information about the Florida courts system's response to the foreclosure crisis, take this link.](#))

Meanwhile, in the course of meeting the challenges of the foreclosure crisis and considering strategies for developing a more effective and comprehensive way of handling these cases, the Foreclosure Initiative Workgroup discovered several innovative methods for improving the administration of justice generally. For instance, they soon realized that expanding the use of general magistrates and adopting an active case management approach (which, in the past, had typically only been used in the family division in Florida) has auspicious implications for handling other cases in the civil division.

In addition, CAPS, a technology that was initially used to facilitate the processing of foreclosure cases, has come to be regarded as the basis for an automated statewide case management system—something the judicial branch has sought for over a decade. CAPS is now one of two components of a judicial branch project called the Integrated Trial Court Adjudication System (ITCAS). The second component, called Judicial Data Management Services, is described as a state-level data management strategy that will pull court activity data from the local judicial viewer systems, among other sources, and integrate them into a coherent whole, providing for statewide court operations management. ITCAS has the potential to lead to better management of cases, better statewide-level court data reporting, and improved performance generally.

Finally, the Foreclosure Initiative Workgroup recognized that judges, judicial officers, case managers, and other support staff need appropriate tools to help them manage this dynamic and complex foreclosure caseload—and one essential tool is meaningful and accurate real-time information reflecting the movement of these cases through the foreclosure process. For nearly four decades, the supreme court relied on a uniform case reporting system called the Summary Reporting System (SRS), which has historically provided OSCA with data that assist the supreme court in its management and oversight role. But, because it is a summary-level system, the SRS has limits; for instance, while it reveals the number of filings and the number of dispositions that a particular circuit had, it does not provide specific case information. For the foreclosure initiative, however, the workgroup proposed, OSCA developed, and the supreme court approved a new data collection plan that tracks and monitors case activity data, furnishing, for example, the specific cases filed, the specific cases disposed, and the specific cases that are still pending. This new data collection plan, which was implemented in June 2014, is a standardized way of calculating and looking at workload, and it provides all levels of court with critical information concerning the movement of foreclosure cases through the courts. So far, this system has been used exclusively for foreclosure cases—but it is being adapted for use for all case types and will provide invaluable local, circuit, and statewide data. The judicial branch aims to implement this system in all court divisions and is seeking resources to make this goal a reality.

## ***Long-Range Issue #3: Improve Understanding of the Judicial Process***

### **Education and Outreach Initiatives**

Studies regularly reveal that when people have a greater understanding of and knowledge about the American justice system and the role of the courts within it, their confidence in and support for the courts is heightened. Thus through creating opportunities for the people of Florida to learn about their courts, the judicial branch seeks to foster the people's trust and confidence in their court system. In developing educational opportunities for people of all ages, the judiciary provide Floridians with forums for learning about the role, functions, and accomplishments of their courts—and it also helps to foster a more engaged, active, and conscientious citizenry. The accounts below highlight some of the many initiatives the branch has designed to provide Floridians with positive, meaningful interactions with their courts.

#### **Judicial Campaign Conduct Forums**

The Judicial Campaign Conduct Forums, first instituted in 1998, are typically offered in the spring of election years for circuits in which a contested judicial election is taking place. In these 90-minutes sessions, judicial candidates learn about the requirements of Canon 7 of the *Code of Judicial Conduct*, which governs political conduct by judges and judicial candidates. The forums focus on the value of integrity and professionalism among candidates for judicial office, the impact of campaign conduct on public trust and confidence in the justice system, and the chilling consequences of any breaches to the code.

The forums are coordinated by the supreme court, the trial court chief judges, the Judicial Ethics Advisory Committee, and the Board of Governors of The Florida Bar. In addition to judicial candidates, the forums are open to campaign managers and their staff, local political party chairs, the presidents of local bar associations, the media, and the public.

#### **Annual Reporters Workshop**

Since 1989, the supreme court has been hosting an annual Reporters Workshop, a two-day event designed to teach the basics of legal reporting to journalists who are new to the legal/courts "beat." Presented by The Florida Bar Media and Communications Law Committee and subsidized by The Florida Bar Foundation, the workshop is open to newspaper, radio news, TV news, and internet news services reporters who have been nominated to participate by their editors. Sessions are led by justices, judges, attorneys, professors, and seasoned reporters.

Workshops often include sessions on effective techniques of reporting high-profile cases, public records and how to get the records journalists need, libel law and defamation, lawyer regulation, merit retention, juvenile justice in Florida, amending Florida's constitution, and journalism in the world of social media. Because the public still gets most of its information about the justice system from traditional news sources, the branch recognizes the importance of playing a proactive role in deepening news reporters' understanding of the courts system; this workshop provides reporters with a very helpful introduction to covering justice system issues.

#### **Justice Teaching Initiative**

Founded by then Chief Justice R. Fred Lewis in 2006 and coordinated by the Florida Law-Related Education Association, Justice Teaching is a law-related education initiative that aims to partner every elementary, middle, and high school in the state with a legal professional. The goal of the initiative is to promote an understanding of Florida's justice system and laws, develop critical



thinking and problem-solving skills, and demonstrate the effective interaction of Florida's courts within the constitutional structure.

After participating in a Justice Teaching training session, volunteers have access to a bounty of tested interactive strategies for involving students in lively exchanges about the justice system and how it affects their lives. Currently, more than 4,000 lawyers and judges have been trained to serve as resources for Justice Teaching, and all of the state's public schools—and hundreds of its private schools—have Justice Teaching volunteers. ([Take this link to the Justice Teaching website.](#))

### **Justice Teaching Institute**

The Justice Teaching Institute—initially conceived in response to a national study documenting the public's lack of, and need for, court-related information—was first offered in 1997, when then Chief Justice Gerald Kogan envisioned it as part of the Florida Supreme Court's Sesquicentennial Celebration. Since then, each year, the institute selects between 20 and 25 secondary school teachers from across the state to participate in a comprehensive, five-day education program on the fundamentals of the judicial branch. The program is sponsored and hosted by the supreme court, funded by The Florida Bar Foundation, and coordinated by the Florida Law-Related Education Association.

Taught primarily by the seven justices, two "mentor judges," and Ms Annette Boyd Pitts, executive director of the Florida Law-Related Education Association, the institute introduces the teachers to the structure and functions of the state courts system, the state versus the federal courts systems, the criminal court process, the Florida constitution, the case study method, accessing legal resources, the oral argument process, the value of a fair and impartial judiciary, and the constitutional issues underlying an actual case that is about to be argued before the court. The highlight of the program is the teachers' own mock oral argument on the very case for which the justices themselves are preparing.

When teachers return to their classrooms, many of them develop a courts unit for their students, and others facilitate training programs for the teachers at their school. The teachers, whose enthusiasm is truly electric, have educated and inspired generations of young people about the history, roles, and consequence of the third branch. The institute is one of the courts system's most promising efforts to introduce school children to the vital role courts play in society. ([For more information about the Justice Teaching Institute, follow this link.](#))

### **Visiting the Courts: Oral Arguments and Education Tours and Programs**

Every circuit and appellate court in Florida offers a dynamic array of programs and activities that inform the public about the courts system—endeavors like courthouse tours, citizen guides, Justice Teaching and other school outreach efforts, teen courts, Law Day and Constitution Day activities, moot court competitions, Take Your Child to Work Day, Girls State and Boys State activities, "meet your judge" and "inside the courts" programs, jury appreciation events, adoption events, speakers bureaus, public opinion surveys, citizen advisory committees, and media outreach efforts. These activities are devised to educate people from all walks of life about the judicial branch, bolster court-community relationships, and enhance people's trust and confidence in their justice system. ([This link goes to a compilation of court-community relationship activities by circuit and DCA.](#))

In addition, visitors to the state capital can take advantage of a variety of options for learning about the history and purpose of Florida's highest court and the fundamentals of Florida's courts system.



One of the most compelling ways to become familiar with the inner workings of the supreme court is to attend oral arguments—a “conversation” between the justices and attorneys, during which the attorneys clarify the legal reasons for their position and answer questions posed by the justices. Oral arguments are held once a month, generally during the first full week of each month, from September through June. For most cases, arguments last approximately 40 minutes (20 minutes each side), and argument sessions typically comprise four cases. Visitors are welcome to observe oral arguments (the courtroom holds up to 165 visitors), and no appointment is necessary. ([For information about oral argument and the oral argument schedule, follow this link.](#)) Those who cannot attend oral arguments or who are interested in seeing archived ones (going back to 1997) can view them online via WFSU’s Gavel to Gavel. ([Take this link to Gavel to Gavel.](#)) Also available online is information about high-profile supreme court cases. ([This link goes to information about high-profile cases and other high-profile matters.](#))

The Florida Supreme Court also offers tours and educational programs for student groups (from fourth graders through college students) and for citizen groups of all ages. Several different tour options are available. Groups of six or more visitors who are at least high-school age can take the 45-minute Educational Tour, a guided tour that brings the history of the court alive with fascinating facts about the building and its inhabitants past and present. An alternative for smaller groups or those with less time is the Building Tour, which is designed for all age groups: this fast, concise walking tour through the rotunda, portrait gallery, courtroom, and library offers visitors a brief introduction to the supreme court, focusing on the courthouse, the justices, and tidbits of court history. And the third option is the self-guided tour, which is ideal for individuals, small groups, and those who prefer to go at their own pace: equipped with informational brochures, these tour-goers learn about the public areas of the building (courtroom, library, rare book room, lower rotunda, portrait gallery, and Lawyer’s Lounge).

Two different educational activities are available to student groups. The Education Program, for fourth graders through college students, includes both a tour of the building and a talk that takes place in the supreme court courtroom, focusing on the judicial branch, Florida’s courts system, the differences between trial and appellate courts, and the role of the justices and how they are appointed and retained. The other education program is the highly-popular Mock Oral Argument Experience: students spend the first part of this 90-minute program learning about the judicial branch and Florida’s courts system; then, led by a staff attorney or trained volunteer, the students, playing the parts of justices, attorneys, the clerk, and the marshal, act out an oral argument on an age-suitable hypothetical case (the court offers 19 cases from which to choose). This activity is designed for fifth graders all the way up through college students.

Finally, student groups from Leon County can participate in the Journey Through Justice Program, which works in conjunction with the Courtroom to Courtroom Program offered by the Leon County Teen Court in the Second Judicial Circuit. Students gain a comprehensive understanding of the courts system and Florida’s third branch through participating both in a mock trial, which uses role-plays to introduce them to the various positions in a trial courtroom, and a mock oral argument, which builds critical thinking skills. ([For more information about these education programs, take this link.](#))

### **Florida Supreme Court Library and Archives**

The Florida Supreme Court Library, established in 1845, is the oldest of Florida’s state-supported libraries. Although it originally was intended for use by the supreme court and the attorneys practicing before it, it now serves the entire state courts system. The library also responds to calls for assistance from other law libraries and from law firms in the state and around the nation. The public can also explore the library and utilize its resources: people come to do legal

or historical research, and school, family, and adult groups visit as well, eager to learn about the treasures in the rare book room and to admire the archival rarities on display in the reading room.

Included in the library's print collection are historical Florida primary legal resources dating back to the state's territorial period as well as numerous treatises and other legal reference materials; the library has an extensive collection of historical statute law of the United Kingdom, for instance. The library is also designated a selective federal depository library for legal materials (the US is the largest publisher in the world, and through its Federal Depository Library Program, the US Government Publishing Office distributes certain classes of government documents free of cost to designated libraries throughout the US and its territories; in turn, these federal depository libraries must offer free, public access to these collections). ([To visit the library's website, follow this link.](#))

The library also harbors the supreme court archives, which contain primary documents of Florida Supreme Court history related to the court and its justices. In 1982, the supreme court librarian at the time had the notion of engaging the assistance of some of the dignitaries of the legal community to seek out, collect, preserve, and make publicly available the important historical documents of the members of Florida's highest court. His idea galvanized the creation of the Florida Supreme Court Historical Society; together, the librarian and the historical society began the process of building the collection—and the archives came into being.

The archives continue to thrive, thanks to the abiding partnership between the historical society and the library. The collection now includes papers of 26 justices and comprises more than 1,000 boxes of records, including justices' administrative papers, professional correspondence, texts of speeches, notes from their work on court committees, personal papers, and opinion files. The collection also includes the work of a number of court commissions, the 1966 Constitution Revision Commission papers, and papers related to the revision of section 14 to Article V of the Florida Constitution, commonly referred to as Revision 7 (a 1998 constitutional amendment that required the state to assume responsibility for funding the state courts system). ([Follow this link to discover what materials are housed in the archives.](#))

### **Court Publications**

To familiarize people with the judicial branch and to enhance communication between the courts and other justice system entities, the legislature, and the executive branch, OSCA's Publications Unit, under the direction of the supreme court, produces the *Florida State Courts Annual Report* each fall. ([This link goes to the annual reports.](#)) In addition, in the spring and summer, the Publications Unit publishes the *Full Court Press*, the official newsletter of the state courts system, whose aim is to share information about local and statewide court-based initiatives and programs, to promote communication among Florida's state courts, and to serve as a kind of "meeting place" for all the members of the state courts family, both immediate and extended. ([Take this link to the newsletters.](#))

## The Branch-Wide Court Communication Plan

The Judicial Management Council established the Education and Outreach Workgroup in 2013 to focus on issues related to effective communication, public trust and confidence, and the use of clear, unified messages within and outside the branch. At the same time the council was developing the branch's 2016 – 2021 long-range plan, the Education and Outreach Workgroup was considering strategies for advancing the communication-related goals that the plan was readying to announce. Crafted with input from judges, court public information officers and other court staff, and the press, *Delivering Our Message: Court Communication Plan for the Judicial Branch of Florida 2016* was designed to help the courts build relationships with a variety of partners, enhance public understanding of and support for the branch, speak clearly and purposefully about the branch, support open lines of communication, and communicate effectively using coordinated, strategic efforts.

Envisioned as a user-friendly resource for the judges and court personnel who will be implementing it, *Delivering Our Message* identifies four high priority strategic areas that the branch must address in order to "create, strengthen, and preserve support for the Florida court system": Enhancing Public Trust and Confidence; Speaking with One Voice – Key Court Messages; Improving Communication Methods; and Strengthening Internal Communication. Implemented over four years, "The plan will serve as a guide for the entire branch statewide," Chief Justice Labarga announced.

*Delivering Our Message* is actually the court system's second branch-wide communication plan. Its first, published in 2000, concentrated on external communication, particularly communication with the public: its priorities were to educate the public about the role and functions of the branch, provide information to help the public navigate the judicial system, and establish mechanisms to receive public input regarding court operations.

While the old and new plans intersect in many ways, *Delivering Our Message* differs from its predecessor in a number of significant areas. Most materially, although both plans highlight the need to enhance external communication, the new plan also accentuates the importance of improving internal communication efforts. Other focal points of the new plan include the need to establish meaningful relationships with key audiences and to speak with one voice. And because communications have changed so dramatically in the 16 years separating the two plans, the new plan also urges full utilization of the latest technological tools to improve communication methods: for instance, recognizing that "new media such as Facebook, YouTube, and Twitter are transforming the way people seek out information and understand the world," the current plan encourages consideration of these communication tools as "opportunities for courts to promote openness and accountability," to "encourage conversation between the courts, journalists, and citizens," and "to listen to public concerns."

In addition, the two plans represent different kinds of roadmaps for growth. The first communication plan called itself a strategic plan: it identified what needed to be done but did not propose specific projects and tasks for achieving those ends. *Delivering Our Message*, on the other hand, is more of an implementation plan, rich with practical tasks, projects, strategies, and "Try This" suggestions that court-based individuals, units, groups, or committees may explore to reach the plan objectives. But the plan doesn't impose prescriptions for strengthening internal and external communication; rather, it emphasizes that each court has the discretion to determine how to incorporate the plan's goals and strategies, based on local needs and resources, and local courts are encouraged to develop new and creative solutions that work best for them. *Delivering Our Message* also outlines procedures for institutionalizing the plan and for regularly monitoring progress toward achieving its goals. ([Take this link to read the communication plan.](#))

To bring the plan to fruition, the Florida court public information officers (PIOs) are playing a major role (the supreme court has had a PIO since 1996, and since 2003, the chief judge at each trial court and DCA has designated a court staff member to perform these duties). Indeed, Chief Justice Labarga charged the PIOs with putting the plan into effect, and, with their guidance, Mr. Craig Waters and the Supreme Court Public Information Office will manage the implementation of the plan.

Calling the implementation of the plan “one of the major legacies of my administration,” Chief Justice Labarga welcomed the release of *Delivering Our Message*, heralding it as “another chapter in our rich history of access and transparency.”

## The Justice Teaching Institute

Sponsored by the supreme court, underwritten by the Florida Bar Foundation, and coordinated by the Florida Law Related Education Association, the Justice Teaching Institute (JTI) annually offers up to 25 of Florida’s secondary school teachers the chance to study closely, and to see in action, the operations of the third branch. Established in 1997, the institute was conceptualized by former Chief Justice Kogan as a feature of the court’s Sesquicentennial Celebration, and it has been going strong ever since. To participate in this demanding, interactive five-day program, teachers undergo a rigorous selection process. Although the program is indeed challenging and intense, each year, the teachers universally agree that the education they received is peerless.

Under the tutelage of the supreme court justices (typically, all seven participate in the program), JTI fellows delve deeply into a wide range of court-related topics. In recent years, for instance, Justice Pariente has talked about the role of a fair and impartial judiciary; Justice Quince has coached the teachers about how to conduct an effective mock oral argument; Justice Lewis has introduced the teachers to the particulars of the case they will be scrutinizing and the applicable law; Justice Canady has discussed court system funding issues; Justice Polston has given instruction on the structure and function of Florida’s state courts system and compared it to the federal system; Justice Labarga has introduced them the importance of judicial independence and judicial selection; and Justice Perry has led them on a Florida constitution “scavenger hunt.” In addition, teachers learn about accessing legal research materials and performing Internet-based legal research with the supreme court librarian and her staff.

JTI fellows also spend several hours in the Leon County Courthouse, where they witness the beginning of the “Trail of Justice”: sitting in the jury box, they watch a Second Circuit judge, a public defender, and a state attorney reenact the trial court case that became the basis for the case on which the teachers will be doing their mock oral argument—and on which the justices will be doing the very real oral argument the following day.

The JTI experience is also enriched by the daily mentoring of Ms Annette Boyd Pitts, executive director of the Florida Law Related Education Association, and the two mentor judges who help the teachers prepare for their mock oral argument and provide general instruction about the court system. Ms Boyd Pitts also introduces the teachers to law-related teaching methods and

lesson extensions as well as to information about how to establish local JTIs in their schools—and she provides them with enough pedagogical tools to help them keep their students usefully and eagerly occupied for years.

A good gauge of the success and popularity of this program is the teachers' feedback—which is invariably passionate. In their evaluations, teachers say that JTI is “one of the best trainings I have ever taken” and call it “one of the most amazing weeks of my life....I have been to training schools from Miami to Pittsburgh and have testified in courts from Florida to Michigan to Kansas, but nothing has ever been as informative, educational, or interesting as this last week.” Teachers especially appreciate “the daily interaction with the supreme court justices” and “the individual attention we received from the justices.” As one attendee declared, this attention “inspired and motivated me to always do my utmost to treat my students with the personal interest and commitment shown me; to instill in them a love and respect for an honorable court and justice system.” The teachers also enjoy the chance to “meet educators from around the state and have the opportunity to share best practices” with them.

JTI is a gift that keeps on giving, for, when the teachers return to their classrooms, many of them develop a courts unit for their students, and others facilitate training programs for the teachers at their, and neighboring, schools. The teachers, whose enthusiasm is truly electric, have educated and inspired generations of young people about the history, roles, and consequence of the third branch. The institute is surely one of the courts system's most promising efforts to introduce school children to the vital role courts play in society. ([Take this link for more information about the Justice Teaching Institute.](#))



## Strengthening Public Trust and Confidence in the Courts

“Fairness is the foundation of the public’s trust and confidence in their court system. Courts that operate fairly and treat all participants with respect are perceived to be places where justice is done. By establishing and maintaining for more than two decades committees that are specifically dedicated to studying matters of fairness, the Florida courts have demonstrated their strong commitment to the elimination of bias and disparate treatment” (from *Perceptions of Fairness in the Florida Court System*, a report of the supreme court’s Standing Committee on Fairness and Diversity, 2008).

“The [Innocence] Commission remains dedicated to working together and focused on the common goal of reducing or eliminating the possibility of the wrongful conviction of an innocent person, thereby increasing conviction of the guilty and affirming our commitment to preserving the public trust and confidence in our criminal justice system” (from the Chairman’s Remarks, *Interim Report of the Innocence Commission*, 2011).

“These forums [campaign conduct forums for judicial candidates] aid in maintaining a high level of integrity and professionalism among candidates for judicial office and in increasing public trust and confidence in the judicial system” (from *An Aid to Understanding Canon 7: Guidelines to Assist Judicial Candidates in Campaign and Political Activities*, 2016).

As this sampling of quotations illustrates, court leaders and their justice system partners appreciate that, in order to fulfill its constitutional mandate and to maintain respect, the judicial branch must hold the confidence of the people it serves. This subject received considerable notice at the 2013 inaugural meeting of the branch’s fifth Judicial Management Council. With the state economy and court funding showing signs of stabilizing after six very challenging years, and with no immediate or imminent court-related crises to command their consideration, council members relished the opportunity to contemplate big picture issues, one of which was attitudes toward the courts. Within the context of declining levels of faith in public institutions generally, members emphatically agreed that one of the branch’s priorities should be enhancing public trust and confidence, and they expressed an interest in tracing Florida courts system efforts to foster trust and confidence over the years.

Although the above quotations were excerpted from recent publications, the matter to which they call attention is, in fact, deep-rooted: branch leaders have long recognized the importance of strengthening and maintaining the institution’s credibility. As Chief Justice Major Harding—who made “rebuilding the public’s trust and confidence in the court system” the keynote of his administration (1998 – 2000)—pointed out,

The issue of public trust and confidence is not new. In 1906, Roscoe Pound delivered his celebrated address on “The Causes of Popular Dissatisfaction with the Administration of Justice” to the American Bar Association annual meeting. The address, universally considered the most influential paper ever written by an American legal scholar, began with the observation that “dissatisfaction with the administration of justice is as old as the law” (September – October 1998 *Full Court Press*).

Not surprisingly, Florida court chronicles don’t date back quite that far. But sleuthing readers can uncover a profusion of court-based reports, administrative orders, newsletter articles, and other miscellaneous documents that offer a peek into court system endeavors to earn the

public's trust and confidence over the last six decades. These endeavors typically fall into three categories:

**Adopting practices to make the courts more accessible, transparent, and accountable**

—for when the judicial system reduces barriers to access, and when it reveals to the public how it works and how it uses its resources, its credibility is enhanced;

**Advancing public education**

—for when people have a greater understanding of and knowledge about the American justice system and the role of the courts within it, their confidence in and support for the courts is bolstered;

**And creating opportunities for two-way communication, including mechanisms to receive input regarding court operations**

—for when the courts engage in meaningful communication—e.g., through outreach initiatives that involve “active listening” (to justice system partners, the other branches, the business community, the press, and the public)—two important goals are realized: first, the people develop a deeper appreciation of and respect for the institution; at the same time, the courts benefit from hearing the concerns of, and being able to respond to, the needs of the people.

Taking a chronological approach, this article will touch on some of the highlights of the last 60 years.

**The Judicial Council of Florida, 1953 – 1980**

The work of the branch's first Judicial Council of Florida, which thrived from 1953 – 1980, reflects one of the earliest documented efforts to encourage citizens to get involved in the work of the court. The council was created to seek strategies for remedying an overburdened court system and for achieving a more efficient administration of justice generally, and even the composition of the membership signified that two-way communication and public outreach would play a big role in these ventures—for of the 17 members, nine were laypeople. Meetings were choreographed to facilitate the full participation of these lay members: as the council's first chair, Justice Elwyn Thomas, describes, “At the outset it seemed wise to keep the procedure in the Council as informal as possible so that the lay members would not be confounded by legalistic jargon or complex parliamentary situations but would be interested, enthusiastic, and, above all, vocal as discussion progressed” (Thomas, *The Judicial Council of Florida: A Sketch*, 1958).

On top of working to promote the active engagement of lay-members, the council also invited the public to attend—and to add their voices (and sometimes even their votes) to—its meetings. Explained Justice Thomas, “Another policy set in the beginning brought not only acclaim but also spectators. The doors were never closed. Everyone who came was granted the privilege of speaking and often when polls were taken in meetings visitors' names were called with the names of the councilmen that they might vent their views and give the Council the benefit of their advice.” Further, to encourage the greatest possible participation from the public, meetings were held all across the state. The overall lucidity, accessibility, and comity of the meetings ensured that public opinion would resonate in the council's recommendations for simplifying, improving, and advancing the administration of justice.

The court system is now benefitting from the guidance of the branch's fifth Judicial Management Council. Although each of the five councils has had a distinct set of charges, all have included public members, and, for all, two-way communication has been elemental.

### **Cameras in the Courtrooms, 1979**

Although inspiring public trust and confidence in the judicial process wasn't its express goal, the introduction of cameras into Florida's courtrooms has certainly had that effect. Most states banned cameras, radio, and, later, TV, from courtrooms after the "media frenzy" spectacle at the 1935 trial of Bruno Hauptmann for kidnapping and murdering the infant son of Charles and Ann Morrow Lindbergh in New Jersey. As technology became smaller and less intrusive, however, interest in broadcasting from courtrooms began resurging. In 1977, under Chief Justice Ben F. Overton, the Florida Supreme Court authorized a one-year experiment allowing cameras to return to state courtrooms.

At the end of the pilot, after soliciting feedback from judges, attorneys, parties, jurors, and witnesses, the court concluded that cameras caused no harm—in fact, they conferred a great benefit by making the judicial process accessible and transparent to the public. This conclusion was permanently written into the rules of court in a 1979 opinion authored by Justice Alan Sundberg. With this opinion, Florida propelled a national movement that eventually brought cameras into most state court systems in the country, and even some federal courts. Since conducting that experiment, the supreme court has continued instituting measures to boost the openness and accessibility of court proceedings.

### **Fairness and Diversity Commissions, 1987 – present**

Public outreach, which was instrumental in the recommendations of the first Judicial Management Council, has also played a big role in the recommendations of the supreme court's various fairness and diversity commissions over the last few decades. Established in 1987, the Florida Supreme Court Gender Bias Study Commission, for instance, spent two years collecting data to gauge the extent to which gender bias permeated Florida's legal system. In addition to examining case studies and doing scholarly research, the commission, through numerous public hearings and regional meetings, gathered testimony from legislators, professionals in a wide array of fields, and others who wished to share their experience of gender bias in the legal system. Public input helped shape the commission's recommendations to the supreme court.

Then, in 1989, the supreme court established the Florida Supreme Court Racial and Ethnic Bias Commission to address the question of whether racial or ethnic considerations adversely affected the dispensation of justice to minority Floridians. This commission also did extensive research, conducted empirical studies, and held public hearings across the state to listen to the concerns of the people of Florida. Again, feedback from Florida citizens informed the commission's recommendations to the court.

Continuing in this tradition of soliciting public opinion from across the state was the Standing Committee on Fairness and Diversity, established by then Chief Justice Barbara Pariente in 2004 and renewed by successive chief justices. To chronicle perceptions of disparate treatment in Florida courts, this commission, like its forebears, gathered considerable public input through surveys, public meetings, and written comments. In response to this feedback, the committee produced practical educational materials to help judges, court staff, and lawyers recognize, respond to, and understand their role in eliminating from court operations bias based on race, gender, ethnicity, age, disability, socioeconomic status, or any characteristic that is without legal relevance; public opinion also had a role in the branch's decision to implement regular fairness and sensitivity awareness trainings for judges and court personnel.

### **Florida Council of 100, 1993 – 1995**

In addition to reaching out to the public for suggestions for improving the administration of justice, the judicial branch has also reached out to the business community and various professional organizations to glean their perspective on court system challenges and their suggestions for addressing those challenges. In 1993, prompted by concerns about current and projected workload demands, then Chief Justice Rosemary Barkett approached the Florida Council of 100—an influential, high profile organization comprising 105 of Florida’s top business and industry leaders—seeking an “independent, objective, private-sector insight into problems facing the courts and justice system, as well as viable alternatives for solutions.” (Founded in 1961, the council, appointed by the governor, serves as an advisory board on matters of public policy in all areas of government.) Embracing the chief justice’s request, the council embarked on a year-long study of Florida’s complex justice system—a process that involved widespread research and public testimony.

Two months before the 1995 legislative session began, the council released its findings and recommendations in a report entitled *Four Points for Progress, Four Points for Partnership*. Included in the report was a trenchant message for the Florida legislature: “Increased funding for Florida’s State Courts System, prosecution, and defense must be a top funding priority for the 1995 legislature.”

Bolstered by the recommendations of the Council of 100, the state courts system forged a coalition early in the session with the goal of encouraging the legislature to substantially increase funding for the “middle” of the state’s criminal justice system—courts, prosecution, and defense—through which all cases must flow (the “front end”—law enforcement—and the “back end”—the prison system—were already better-funded). In addition to the courts, the coalition included the Florida State Attorneys Association, the Florida Public Defenders Association, and the Office of the Attorney General; also lending support were the Florida Council of 100, The Florida Bar, and the Academy of Florida Trial Lawyers.

The court’s “Fill the Gap” initiative was highly successful, culminating in an urgently-needed funding increase that year (new dollars funded new judgeships, increased compensation to senior judges and judicial assistants, 50 additional trial court law clerks, and additional positions to support family courts, appellate clerks and marshals, and drug courts). This success was palpable evidence of the gravity and value of communicating with and eliciting input from court-user communities and of establishing broad-based support for court initiatives.

### **Development of the Branch’s Three Long-Range Plans, 1992 – 1998; 2006 – 2009; and 2014 – 2016**

In 1992, under then Chief Justice Rosemary Barkett, the court system began conceptualizing its first long-range planning project. (It began soon before Florida voters passed an amendment to the constitution that directed every department and agency of state government, including the judicial branch, to develop a long-range plan.) Called 21st Century Justice: Guiding Florida’s Courts into the Future, the chief justice’s planning project was officially launched in June 1993 with a two-and-a-half-day conference in Tampa. More than 60 people participated, representing all segments of the justice system and a broad range of citizen interests and groups. The conference provided participants with an opportunity to begin formulating their preferred vision for the future of the justice system in Florida. Through several workshops, the 21st Century Justice project set the branch’s planning process in motion.

Then in 1995, under then Chief Justice Stephen Grimes, the responsibility of developing the first long-range plan was given to the branch’s third Judicial Management Council (active between 1995 and 2004). To coordinate this effort, the council appointed a Steering Committee on Long-

Range/Strategic Planning. Chaired by First DCA Chief Judge E. Earle Zehmer and then by Eleventh Circuit Chief Judge Joseph P. Farina, the steering committee embarked on a labor-intensive process that took three years to complete.

To encourage the participation of a wide range of constituents and consumers of judicial branch services and members of the general public in the planning process, the steering committee designed the branch's most comprehensive outreach program to date. The program consisted of a series of workshops and presentations to supreme court committees, student and professional groups, and judicial branch organizations. In addition, the steering committee conducted nine regional workshops with participants from a wide range of backgrounds, including judges, court staff, attorneys, community groups, court service providers, teachers, medical professionals, and other members of the general public.

This outreach program was supplemented by a major public opinion research effort spearheaded by the Committee on Communication and Public Information, another body appointed by the Judicial Management Council. Established in 1995 and chaired by Fifth DCA Judge John Antoon II, the communication committee set out to determine the level of public knowledge about the court system, attitudes regarding the court system, and the issues and particular concerns of the public relative to the court system. The committee's research included a phone survey of over 1,000 Florida residents as well as seven regional focus group sessions, at which participants discussed and prioritized issues identified through the phone survey.

Both the steering committee's outreach program and the communication committee's public opinion research effort were described as exercises in "active listening" to people who work in the justice system as well as members of the public. The findings from this period of "attentive, responsive listening" ultimately begot an illustrious fruit: the judicial branch's first long-range plan, *Taking Bearings, Setting Course*, published in 1998.

Because trends, challenges, and opportunities are always changing, a long-range plan is never intended to be a fixed, definitive document—thus, 11 years after the first plan was released, the branch released its revised plan, conceived to steer the branch from 2009 through 2015. And then, as 2015 began to glimmer on the horizon, branch leaders advised that it was time once again to re-evaluate and refresh the long-range plan. And active listening was again foundational to the development of both these plans: in order to discover how people perceive their courts and what the branch can do to improve its processes, branch leaders mobilized comprehensive, thoughtfully-considered outreach efforts devised to get feedback from as broad a spectrum of Floridians as possible. These outreach effort included hard copy and/or electronic surveys developed for a variety of court audiences (judges, quasi-judicial officers, court personnel, clerk of the court personnel, attorneys, justice partners, jurors, court users, and the general public); telephone and/or mail surveys; meetings with justice system partners; and regional public forums.

### **Chief Justice Gerald Kogan's Court Access Initiative, 1996 – 1998**

The first chief justice to serve after the branch began long-range planning was Gerald Kogan (1996 – 1998)—and he was also the first chief justice of Florida to be inaugurated publicly. Befittingly, then, enhancing public access to the state's justice system became his major policy initiative. His Access Initiative was a response to a recommendation of the Judicial Management Council (the body charged with oversight of the planning process) to ensure that the courts are open to every person.

The Access Initiative had three strategic goals: to improve the state courts system's response to the needs of court users; to increase people's understanding of the courts and the justice sys-



tem; and to increase citizens' ability to use the courts efficiently and effectively, thereby facilitating access to the court system and to justice.

To coordinate the Access Initiative, the chief justice chose Craig Waters, his executive assistant for external matters. Many objectives were realized under his guidance. For instance, self-help centers were established to provide some assistance to self-represented litigants. The courts began working to bring people into the courthouse for occasions other than just the formidable business of lawsuits or prosecutions (e.g., the supreme court's Sesquicentennial Celebration events, the Justice Teaching Institute, Inside the Courts Programs, and art exhibitions and performing arts in the courthouse). The supreme court's website presence was expanded to support the distribution of court-related information and materials directly to the public (e.g., supreme court opinions, forms for pro se litigants). The website also began to include educational tools; for instance, it introduced Kids' Court, a groundbreaking program designed to help school-age children and their teachers learn more about the legal system. The mounting of cameras in the courtroom also played a critical part in making the court more accessible: the live broadcasting of oral arguments offered the public a window into the workings of the supreme court.

At the same time, the Access Initiative placed a high priority on enhancing media relations. As mentioned above, in 1997, as part of the long-range planning process, the Judicial Management Council conducted a statewide phone survey, completed by over 1,000 randomly-selected respondents, to gauge the public's opinions of and levels of knowledge about Florida's courts. While revealing that "The public is very uninformed about the judicial system," the survey also disclosed that, for the majority (65%), the primary sources of information about the courts were the media (newspapers and TV). Since the media tended to focus on court-based stories of a more sensational nature, many people had a skewed perception of the courts—prompting the branch to realize that it must take a proactive role in deepening the news media's understanding of the court system. To reach this goal, the branch introduced the custom of meetings with reporters and editors to dispel misinformation and address questions about the courts; another feature of this initiative was the creation of a press information page on the supreme court website to provide the media with easily accessible information about the courts, same-day downloads of opinions, briefs in pending cases, and press summaries of cases.

Recognizing the value of having a dedicated supreme court employee to facilitate communication between the court and the media—as well as between the court and the public—Chief Justice Kogan, in 1998, created the position of full-time public information officer for the supreme court and offered the position to Mr. Waters. At the time, very few courts in the state had a public information officer. However, not long after, prompted by the 9/11 tragedy, Chief Justice Charles T. Wells directed each chief judge to designate a court staff member to serve as his or her court's public information officer. Since then, each DCA and circuit court has had a staff person who coordinates emergency response activities and provides information to, and answers questions from, the media and the public.

### **Justice Teaching Institute, 1997 – Present**

The phone survey conducted as part of the Judicial Management Council's long-range planning process, while reporting that most people get their court information from the media (see above), also revealed that people would rather get that information from the courts themselves. Indeed, 46% of respondents said that their preferred information source would be "the courthouse" ("school/library" came in second, at 22%). This finding impelled the branch to begin taking steps to familiarize people with the court system: in Justice Major B. Harding's words, "It is our responsibility as officers of the court to take a leadership role in educating the public about Florida's courts system."

The Justice Teaching Institute, spearheaded in 1997 by then Chief Justice Gerald Kogan, was designed to address the public's lack of, and need for, court-related information. Each year, up to 25 public and private secondary school teachers are selected to take part in this rigorous, hands-on education program on Florida's courts. During the course of this training, the teachers meet with the supreme court justices and other judges, learn about alternative dispute resolution, delve into some of the pressing issues confronting the courts, participate in mock oral arguments, and engage in an extensive review of and dialog about a constitutional issue currently before the court. The teachers then incorporate the information they learn into their classroom curricula and often offer local justice teaching institutes to other teachers in their schools or districts, thus ensuring that the program benefits enjoy a ripple effect.

Through the enthusiastic participation of the teachers who attend the Justice Teaching Institute, court leaders aim to educate and energize young people about the history, roles, and consequence of the third branch. The institute is considered one of the court system's most promising efforts to introduce school children to the vital role courts play in society.

Another highly successful law-related education initiative is Justice Teaching, founded by Chief Justice R. Fred Lewis in 2006. Justice teaching aims to partner a legal professional with every elementary, middle, and high school in the state. Its goal is to promote an understanding of Florida's justice system and laws, develop critical thinking and problem-solving skills, and demonstrate the effective interaction of Florida's courts within the constitutional structure. More than 4,000 lawyers and judges have been trained to serve as resources for Justice Teaching, and all of the state's public schools—and hundreds of its private schools—have Justice Teaching volunteers.

### **The Flowering of Digital Technology, 1997 – Present**

According to the Florida State Courts System's *Prospectus 1998*, "Since becoming the first Court on the World Wide Web in 1994, Florida's Internet presence has become a model for providing people greater access to the courts." Since then, the branch has continued to embrace digital technology to enhance access, support transparency and accountability, advance education, and facilitate justice.

Chief Justice Kogan's Access Initiative was in part responsible for jump-starting the court system's development of a robust Internet presence. As described above, under his administration, the supreme court website was expanded to assist with the distribution of court-related information and materials directly to the public and to share educational tools with young learners (e.g., the Kids' Court Program). In addition, a press information page was created to provide the media with easy access to court-related information, court opinions, briefs, and press summaries. Other web-based innovations from the late 90s include the provision of forms and information to help self-represented litigants navigate the court system; the development of basic website standards to ensure consistency and improved access; and live gavel-to-gavel coverage of supreme court oral arguments.

Advances since then are far too copious to list—so what follows is just a taste. Among the more momentous technology innovations that facilitate the efficient administration of justice are the Judicial Inquiry System (a data query system that provides judges with information that enables them to make time-sensitive decisions quickly and easily, thus enhancing public safety); the Florida Dependency Court Information System (a statewide dependency court data management system); the Florida Drug Court Case Management System (a statewide case management system for drug court and other problem-solving dockets); and electronic filing (through an electronic portal, parties can deliver court records and supporting documents electronically to the clerks of court, and they can view and retrieve court documents for their cases from any

computer with Internet access). Current projects that will further improve the administration of justice are the Trial Court Integrated Case Management System and the Electronic Florida Appellate Courts Technology Solution. ([To learn about other court technology projects, follow this link.](#))

In addition, the supreme court website now offers a host of resources designed to help educators teach their students about the court system and to support the judges and lawyers who volunteer to teach civics education in their neighborhood schools (through Justice R. Fred Lewis' Justice Teaching Initiative). Moreover, technological innovations have helped to enhance court transparency, accountability, and accessibility. For instance, on the Florida courts website, [flcourts.org](http://flcourts.org), the public now can view state court solicitations, with information about transactions like requests for proposals and invitations to bid, and people can also see court-awarded contracts. And all of Florida's courts are working to ensure that their electronic court information and technologies are accessible to and effective for people with disabilities as well as others.

Through these and other technology modernization efforts, the judicial branch is striving to improve the efficiency of the court system and to facilitate the public's access to the courts and court information.

### **Chief Justice Major B. Harding's Public Trust and Confidence Initiative, 1998 – 2000**

In his message in *Prospectus 2000: Strengthening the Foundation of Justice*, which was a retrospective of his two-year administration, Chief Justice Harding compares Florida's courts to the Empire State Building. Like the lofty skyscraper, he analogizes, Florida's court system

depends on a solid foundation to fulfill its role as envisioned by the framers of the Constitution. But rather than concrete and steel, Florida's courts are built on a foundation rooted in the trust and confidence that people have in the courts. In a free society, it is only with the confidence of the people that courts can maintain their authority.

Acknowledging that many people have doubts about the efficiency, the fairness, and the accessibility of the court system—and that the average person does not understand how the courts operate—he made fortifying public trust and confidence the hallmark of his administration.

It should be noted that, in this pronounced commitment to strengthening public trust and confidence in the courts, Florida's judicial branch was not alone. A nationwide survey conducted by the American Judicature Society in 1994 found that 80 percent of the court community acknowledged a lack of public trust and confidence in their respective jurisdictions and ranked this challenge as one of the five most pressing problems facing the judicial branch. In response, restoring trust and confidence became a widespread phenomenon in the late 90s, spurred, in large part, by the vision of Judge Roger Warren, president of the National Center for State Courts from 1996 – 2004. His drive informed the National Center's coordination, in 1999, of a National Conference on Public Trust and Confidence in the Judicial System, in which each state participated via a team of judges and court personnel. In response to an invitation from the Judicial Management Council, Judge Warren also came to Florida to speak. The timing of this national movement was auspicious for Florida's courts: it provided a firmer foundation for, and it lent momentum and a vocabulary to, Florida's longstanding efforts to improve public trust and confidence in its courts.

To support Chief Justice Harding's goal of strengthening public trust and confidence, Florida's court system took a two-pronged approach advocated by Judge Warren: it took steps to improve the essential quality of the system, and it worked to facilitate meaningful communication be-

tween the courts and the public. Among the strides to improve the quality of the system were the formation of performance and accountability committees at both the trial court and appellate court levels; the implementation of the Delphi-based Weighted Caseload Project (a method for measuring judicial workload based on weighted cases); and the development of the model family court to provide families and children with an accessible and coordinated means of resolving disputes without driving families further apart.

To promote meaningful communication between the courts and the public, the branch worked to strengthen relations with legislators and with the public, while local courts implemented various communications initiatives tailored to the needs of their constituents (e.g., Judicial Branch Orientation for Legislators, the Judicial Ride-along Program, Inside the Courts, Ask-A-Judge, Elder Justice Center, Court School, Teen Tobacco Court).

Unequivocally, to promote trust and confidence, judges must have the knowledge, skills, and expertise needed to administer the justice system fairly and effectively, and, since the late 70s, judges have participated in education and training programs that help them perform the challenging work of the courts. During the Public Trust and Confidence Initiative, Chief Justice Harding also wanted to facilitate judges' efforts to achieve the highest levels of integrity and professionalism; toward that end, the Sixth Circuit undertook to make the Judicial Ethics Advisory Opinions available online, and campaign conduct forums were introduced to teach judicial candidates about the requirements of Canon 7 of the *Code of Judicial Conduct*, which governs political conduct by judges and judicial candidates.

At the end of his term, the chief justice was pleased to report that Florida's State Courts System had "responded with vigor and creativity in meeting the challenge of strengthening public trust and confidence."

### **Branch-Wide Communication Plans, 2000 and 2016**

One of the facets of Chief Justice Harding's Public Trust and Confidence Initiative was his reorganization, in 1999, of the Judicial Management Council's Communication Committee. Comprising judges and other community leaders, the committee, co-chaired by Second DCA Judge Carolyn Fulmer and Dr. Navita Cummings James, professor of communication at the University of South Florida, was charged with making recommendations to the council and the supreme court on policies related to effective communication between the Florida State Courts System and the public. Its most pressing responsibility was the development of a communication plan that would advance the communication-related goals and strategies identified in the branch's long-range plan.

In 2000, the committee released its *Communication Plan for 2000 – 2006*, which began by reminding readers of the two conditions that courts must meet in order to build public trust and confidence: to earn public trust, courts must do a good job, and to promote public trust, they must communicate effectively with the public. Seeking to fulfill the second condition, the plan provided a framework for coordinating and organizing existing communication activities. It also identified critical needs that the branch had to meet in order to sustain meaningful communication activities.

The plan—which was truly a strategic plan rather than an implementation or action plan—identified three strategic issues that the branch was encouraged to address: educate the public about the role and functions of the branch; provide information to help the public navigate the judicial system; and establish mechanisms to receive public input regarding court operations. The plan also included a set of goals for each strategic issue as well as strategies for achieving the goals.

The plan prescribed a six-year term to allow sufficient time for completing the goals—with the suggestion that it be reviewed, revised, and updated on an as-needed basis. However, not long after the plan was released, the judicial branch’s paramount activity necessarily became preparing for the implementation of Revision 7 (see below). At the same time, the court system faced budget cuts that prompted a considerable scaling back on initiatives and activities. In addition, after the 2001 terrorist attacks on the US, the branch had to focus on developing and implementing emergency preparedness measures. As a result of these exigencies, the branch had to postpone the realization of some aspects of the communication plan.

However, it was not forgotten. Indeed, the first task of the Education and Outreach Workgroup of the current Judicial Management Council was to review and revise the communication plan, and *Delivering Our Message: Court Communication Plan for the Judicial Branch of Florida* was released in January 2016. While the original plan concentrated largely on external communications, the revised plan substantially addresses internal communications as well. The goal of this plan is to help the courts build relationships with a variety of partners; enhance public understanding of and support for the judicial branch; speak clearly and purposefully about the judicial branch; support open lines of communication; and communicate effectively using coordinated, strategic efforts.

The plan is founded on four strategic issues that must be addressed over the long term in order to strengthen meaningful communication between the courts and key audiences (e.g., the public, court users, justice system partners, the executive and legislative branches, the media, and judges and court employees). The four strategic areas are Enhancing Public Trust and Confidence, Speaking with One Voice, Improving Communication Methods, and Strengthening Internal Communication. For each strategic issue, the plan outlines specific goals toward which the branch should aspire and suggests strategies for achieving these goals, emphasizing that each court has the discretion to determine how to incorporate the plan’s goals and strategies, based on local needs and resources.

Chief Justice Labarga has charged the designated public information officer of each court with putting the plan into effect on the local level. Calling the implementation of the plan “one of the major legacies of my administration,” the chief justice welcomed the release of *Delivering Our Message*, heralding it as “another chapter in our rich history of access and transparency.”

### **Implementation of Revision 7, 1999 – 2004**

Proposed by Florida’s 1998 Constitution Revision Commission and approved by 67 percent of Florida voters in 1998, the revision of section 14 to Article V of the Florida Constitution—commonly called Revision 7—had two purposes: to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding across each county in the state. The successful implementation of Revision 7 became a critical priority for the branch, commanding most of the time and attention of several chief justices, trial court leadership, and OSCA staff. It also launched the most concerted and comprehensive outreach, communication, and public education initiatives that the branch has ever mobilized.

Called the greatest challenge to the third branch since the 1970s, when Florida’s modern state court system was created, Revision 7 was momentous, and preparing for its implementation required vision; the united effort of all three branches of government; collective spirit and determination; laborious cataloging and appraising of the costs associated with the operation of the trial courts; an ability to put aside differences; and the adoption of single focus, message, and voice within the court system.



The deadline for implementing the amendment was July 1, 2004. Given the sweep of the foundational work that would have to be done, the branch began preparation soon after the amendment passed. It took the first big step in January 1999, when then Chief Justice Harding appointed the Article V Funding Steering Committee to make recommendations to the supreme court on effecting the funding shift. Among its accomplishments, the steering committee developed numerous Revision 7 implementation proposals for legislative consideration. It also submitted, and the supreme court approved, a proposed rule creating the Trial Court Budget Commission; chaired by Judge Susan F. Schaeffer, Sixth Circuit, this commission was responsible for the Herculean tasks of inventorying the costs to county government of trial court operations, recommending state budget requests for the trial courts, and developing approaches to implement the shift to state funding. Meanwhile, the Commission on Trial Court Performance and Accountability was directed to analyze the functioning of the trial courts (i.e., define the elements of the system) and determine strategies to optimize performance and provide accountability.

During then Chief Justice Charles T. Wells' administration (2000 – 2002), the branch began working closely with lawmakers to ensure the adoption of legislation that would establish the funding structures and mechanisms necessary for Revision 7. In 2000, lawmakers crafted legislation providing a framework that delineated what the counties would continue to fund (i.e., facilities, technology, and security) and what the state would become responsible for funding (i.e., the elements that all state courts must have to handle cases promptly and equitably). The chief justice assembled a team to provide information to judges and court personnel throughout the state and to seek their input into a plan to implement the changeover; he and the team visited each of the 20 circuits and met with all the chief judges and court administrators. He also addressed a meeting hosted by the Florida Associated Press to inform the media of the importance of the issue to Florida residents and to solicit their assistance in helping the public understand its significance. At the same time, OSCA's Trial Court Funding Policy Section attended meetings of various court system constituencies to make sure everyone was made aware of Article V Funding Steering Committee decisions and legislative recommendations.

With only two years before implementation, when Harry Lee Anstead became chief justice (2002 – 2004), he advanced a full-scale communication initiative to build public awareness of Revision 7 and to maintain the people's trust and confidence in the courts through this monumental transition. The branch initiated several steps to meet this goal. For instance, the chief justice established a Revision 7 Communications Advisory Committee, which was tasked with leading a consistent, statewide, community-based effort to educate policymakers, community leaders, justice system partners, and the general public about the crucial importance of Revision 7 and its impact on Florida's trial courts and its communities.

The branch also established local circuit Revision 7 Communications and Education Advisory Groups, which informed community and business leaders, legal professionals, legislators, and the public about the critical role courts play in their communities and about the implications of Revision 7 at the local level. To help advisory group members communicate a consistent and unified message, the branch developed a Justice for All Floridians educational toolkit, which included PowerPoint presentations, print materials, videos, talking points, and tips for working with the media. The ultimate goal of this material was to move people to take action and become involved in this great challenge to Florida's courts.

Also during this period, trial court chief judges and court administrators embraced the task of developing public awareness of Revision 7. Together with the chief justice, they travelled around the state to help educate local leaders, editorial boards, and the news media about the complex issues of court funding. Through these efforts, business leaders came to realize the extent to which the business community has a stake in the quest for adequate funding of the trial courts,

and many rallied to support the judicial branch. Meanwhile, news media explained to the public how Revision 7 would affect trial court operations.

On July 1, 2004, the amendment was implemented smoothly and successfully, and the supreme court held a Revision 7 Commemoration to celebrate this rite of passage. As of this day, declared Justice Anstead, no longer does the Florida judiciary have a two-class trial court system, torn between the “have” and the “have not” courts. Rather, thanks to the efforts of everyone involved—judges, court staff, The Florida Bar, the legislature, the governor, community and business leaders, the media, and the citizens of Florida themselves—the Florida State Courts System is now “one, uniform, high-quality class.” Once again, branch leaders were compellingly reminded of the efficacy and the power of educating, communicating with, and seeking feedback from judges and court personnel, justice partners, and the variety of court-user communities—and of building widespread support for the courts.

### **Enhancing Judicial Branch’s Governance, 2009 – Present**

The branch has long known that, to nurture trust and confidence, it must satisfy two conditions: it must do a good job, and it must encourage meaningful communication between the courts and the public. However, the recent Governance Study, conducted from 2009 – 2010, underscored the recognition that, to do a good job, the branch also must recommit itself to cultivating opportunities for customary, meaningful communication within the court system itself.

The Judicial Branch Governance Study Group was created in response to a matter raised in the court system’s second long-range plan. Under long-range issue #1, Strengthening Governance and Independence, the first goal was, “The judicial branch will be governed in an effective and efficient manner.” Of the three suggested strategies for achieving this goal, the first was to “reform and strengthen the governance and policy development structures of the judicial branch.”

Chief Justice Peggy Quince established the Judicial Branch Governance Study Group in 2009 to address this subject, and she appointed Justice Ricky Polston to chair the 11-member body (which comprised two supreme court justices, two DCA judges, three circuit court judges, two county court judges, and two Florida Bar members). The study group was directed to perform an analysis of the branch’s current governance system and, based on its findings, to draft a report that included an examination of the structure and functions of the present governance system and an evaluation of its efficiency and effectiveness; recommendations for actions or activities that would improve the governance of the branch; and recommendations for any changes to the current structure that would improve the effective and efficient management of the branch.

To conduct research for this in-depth project, the study group adopted a three-pronged approach involving outreach to various constituencies, most of which were court-based. The first prong consisted of in-person or phone interviews with more than 40 key court system experts (e.g., presiding and former justices, chairs of judicial conferences, chief judges, chairs of court committees, justice partners, and professional staff) about the governance practices currently in place. The second prong entailed a web-based survey of a diverse sampling of 100 judges and 350 court staff about intra-branch communication. For the third prong, Justice Polston solicited comments regarding collaboration with court leadership on policy development, rulemaking processes, and legislative/funding issues from groups with a stake in the court system’s governance structure (e.g., members of certain Florida Bar sections and rules committees, statewide business associations).

After the data were analyzed and synthesized, the study group worked fastidiously to craft its report—and one of the seven focuses of the report was communication within the branch. The study group’s findings, backed by national research, indicate that rank and file judges and court

staff are more likely to convey their ideas and concerns to the chief judge of their respective court rather than to the supreme court, the chief justice, or the state court administrator's office. Thus to foster "better communication at all levels throughout the branch," the study group offered the following recommendation:

*The chief justice shall meet on a regular basis with the chief judges of the district courts and the chief judges of the circuit courts to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person.*

The supreme court, underscoring its embrace of the need to encourage regular intra-branch communication, adopted this recommendation verbatim, amending the Florida Rules of Judicial Administration accordingly. Indeed, in its opinion, the court uses the word *communication* eight times; refers to *discuss mutual problems* three times; and makes reference to *discuss and provide feedback* five times.

As this article has pointed out, the branch has often elicited feedback from judges and court staff for past undertakings. Internal communication played an important role in the projects of the various judicial councils, for instance, and in the branch's fairness and diversity initiatives, its implementation of Revision 7, and all three of its long-range planning processes. But, in adopting the above rule amendment, the supreme court, for the first time, established formal mechanisms for regularly calling upon and attending to the many voices within the branch itself.

This represents a significant step in the maturation of the Florida State Courts System. Florida's courts didn't really begin their journey toward becoming a true system until 1972, with the passage of a constitutional amendment that introduced the structural unification of the courts; soon after came the shift toward administrative unification, which has helped the branch manage its resources more efficiently and effectively; and this was followed, in 2004, with the implementation of Revision 7, which initiated the move toward budgetary unification. These three steps have helped the court system do a better job: it is better organized, more uniform, and able to provide more equitable treatment and services to Floridians all across the state.

But to build a strong and effective system, an entity must also practice open communication. By ritualizing opportunities for intra-branch dialog, the Florida State Courts System has been taking the next step in its evolution. And while helping the branch become a more efficient and capable system, intra-branch communication should give rise to the added benefit of enhancing the public's trust and confidence in the courts.

### **Why Does Public Trust and Confidence Matter?**

To perform its role in our system of government, the judicial branch must have credibility. For how can a court resolve disputes effectively, how can it ensure that its orders are respected, how can it be regarded as a rigorous deliberative body, and how can it marshal public support for court initiatives or for increased funding, for instance, if it does not have the public's trust and confidence?

In a speech given before the 1999 national convention on Public Trust and Confidence in the Judicial System, former US Supreme Court Justice Sandra Day O'Connor eloquently captured the reasons—and the methods—for strengthening and maintaining the trust of the people:

As judges, court administrators and attorneys, we all rely on public confidence and trust to give the courts' decisions their force. We don't have standing armies to enforce opinions, we rely on the confidence of the public in the correctness of those decisions. That's why we have to be aware of public opinions and of attitudes toward our system of justice, and it is why we must try to keep and build that trust. We can do it by working to create a just society. The justice system must provide for the fair, prompt and proper resolution of the conflicts brought to it, and it must also work to help the public see what the system is doing and how it is being done.

As this article has chronicled, Florida's court system has long taken seriously this responsibility, committing itself to the ongoing endeavor of holding safe the public's trust. For the judicial branch recognizes that it cannot fulfill its constitutional duty without the trust and confidence of the people it serves.

## ***Long-Range Issue #4: Modernize the Administration of Justice and Operation of Court Facilities***

### **Technology**

To support their day-to-day operations, Florida's courts rely increasingly on information technology. In the past, court technology was relegated to discrete IT units or departments. But now, it permeates all aspects of the judicial branch and affects everyone who works in the courts system. It also touches, and creates expectations in, everyone who relies on the courts: attorneys, justice partners, jurors, the media, court users, and the public. In most every area of court business, IT plays an elemental role these days—in data management, case management, document management and imaging, workflow management, digital court reporting, remote court interpreting, electronic filing, and electronic access to court-based information, for instance. IT is also being harnessed to facilitate access to civil justice: for example, the branch, in collaboration with The Florida Bar and the Florida Court Clerks and Comptrollers, has been developing web-based, interactive, guided "interviews" that shepherd self-represented litigants through the process of electronically creating certain documents that are ready for filing.

To advise it on issues connected with the use of technology in the branch, the supreme court created the Court Technology Users Committee in 1995. As the scope of the committee necessarily broadened, the court broadened its responsibilities: under the direction of the court, the Florida Courts Technology Commission (established in Rule 2.236 as a standing commission in 2010) is responsible for overseeing, managing, and directing the development and use of technology within the branch; it also coordinates and reviews recommendations concerning court policy matters that involve the use of technology and establishes the technology policies and standards by which all court committees and work groups must abide.

The judicial branch continues to make significant strides toward its goal of developing a comprehensive electronic courts structure. This objective includes the implementation of a statewide electronic filing solution (e-filing) for the trial and appellate courts; the integration of e-filing with other automated court processes; and electronic access to the courts. It also includes the branch's development of an Integrated Trial Court Adjudicatory System: a standardized, statewide, integrated data management solution for capturing and reporting case and court activity information for use both at the circuit and statewide levels. In addition, to review, prioritize, develop, and implement the manifold, complex technology solutions that support efficient, effective, and timely access to justice, the branch instituted IT governance structures at all levels of court. Below is a description of some of the branch's most promising technology initiatives.

## **E-Filing**

E-filing refers to the electronic submission of court documents from lawyers and litigants to the clerks of court and from the lower tribunals to the appellate courts. E-filing reduces costs for the courts, clerks, and court users (e.g., the cost of printing, copying, mailing—and the expenses associated with the time it takes to perform these tasks); improves case processing and case management; and enhances users' access to the courts without significantly increasing their costs to use the courts.

The judicial branch began working to automate the process for filing court documents in 1979, when the supreme court adopted its first rules governing e-filing (back then, e-filing meant filing by fax). In 2008, the legislature supported these efforts by mandating a transition to the electronic filing of court records and requesting that the supreme court set e-filing standards; the Florida Courts Technology Commission was directed to set the standards, and the court adopted them in 2009. ([Take this link to the Standards for Electronic Access to the Courts.](#)) Not long after, the Florida Court Clerks and Comptrollers reported that it had created an electronic portal—a statewide website for the secure electronic transmission of court records to and from the Florida Courts—that the branch could use. Together, the supreme court and clerks established the Florida Courts E-Filing Authority: the public entity that owns the portal, makes its business decisions, and is responsible for designing, developing, implementing, operating, upgrading, supporting, and maintaining the portal in keeping with the branch's e-filing standards.

After the branch and clerks of court addressed the necessary technical matters for e-filing documents to the trial courts (e.g., creating data envelopes for each of the 10 trial court divisions, developing and receiving approval for each county's e-filing plans, and building an interface between each circuit court and the portal), the portal went live: files began coming through the portal in early January 2011.

All 67 counties accept filings through the portal—as do the supreme court and the Second DCA. And the number of registered users continues to rise steadily. By February 2016, for instance, the portal had 108,000 registered users—among them, attorneys (who are required to file through the portal), judges, and self-represented litigants. In addition, mediators, process servers, court reporters, mental health professionals, law enforcement officials, various state and local agencies, insurance agencies, creditors, and the media can now file court documents through the portal. Document types are being developed for additional filer roles.

As expected, portal traffic continues to get heavier, with documents being filed every hour of every day. On an average weekday, for instance, the portal conveys more than 54,000 electronic filings—and it conveys, on average, 1.1 million submissions per month. ([This link goes to the Florida Courts E-Filing Portal.](#))



## **Appellate Courts Technology Solutions**

E-filing is just one of many automated court processes that the judicial branch is implementing as it migrates to a comprehensive electronic courts structure. Keeping its sight on the bigger picture while laying the groundwork for appellate e-filing, the judicial branch has been working to develop software applications that will enable the seamless integration of e-filing with other judicial processes—such as case management, document management, and workflow management. Since June 2010, the appellate courts have been participating in two projects designed to facilitate this migration: the electronic Florida Appellate Courts Technology Solution (eFACTS) and iDCA/eDCA.

eFACTS, developed by OSCA's Information Systems Services Unit, was piloted in the supreme court (which has been using eFACTS since June 2012) and the Second DCA (which began using eFACTS in August 2013). eFACTS utilizes the Microsoft web application platform and includes electronic document management and workflows: eFACTS captures electronic as well as scanned documents, storing them in a secure environment; facilitates the logical organization of the documents and automatically inputs the data for case management purposes; and enables users to locate, retrieve, and work on the documents they need, when they need them. Other features include electronic judicial voting, tracking of administrative matters, administrative and correspondence tracking, billing related to court filings, and tasking. Users can use their mobile devices to vote remotely, review cases, and access documents easily and securely at their convenience.

In addition, eFACTS accommodates electronic filing through the portal. Attorneys have been required to e-file documents through the portal to the supreme court since April 1, 2013, and to the Second DCA since October 1, 2013. And since June 30, 2014, both courts have been accepting transmittals from the lower tribunals through the portal.

The other appellate courts technology system, called iDCA/eDCA, was originally developed by the First DCA for workers compensation cases. It is closely connected to the court's existing case management system and includes e-filing, document management, and tasking features designed for the appellate process. It involves three closely linked sites: Internal DCA (iDCA), an internal component for document management for use by judges and law clerks; External DCA (eDCA), a portal for the transmittal of all filings with the court (this site also includes access to public digitized documents for those listed as the attorney or party of record as well as e-service of court orders, opinions, etc.); and the Case Review system. iDCA/eDCA is successfully deployed at the First, Third, Fourth, and Fifth DCAs.

eFACTS is currently running parallel with iDCA/eDCA at these district courts, and judges and court staff have been exploring the eFACTS features. Meanwhile, eFACTS continues to be modified to accommodate the needs and preferences of these users and to provide some of the valued features of iDCA/eDCA. For example, the remaining functionality of the old case management system was recently moved into eFACTS, and the DCAs and supreme court have been exploring it, comparing it to the old system; when each court feels the time is right, the old case management system interface will be removed. In this manner, the district courts will gradually transition to eFACTS—a move that will also enable them to accept filings through the statewide e-filing portal.

## **Integrated Trial Court Adjudicatory System**

The Commission on Trial Court Performance and Accountability, in keeping with its charge to propose policies and procedures on matters related to the efficient and effective function of Florida's trial courts, has been focusing on the development of technology-based strategies for moving cases more smoothly and dexterously through the trial court process. The commission reached

a significant milestone in December 2012, when it submitted *The Trial Court Integrated Management Solution* (TIMS) report to the supreme court. Ambitious in scope and the product of a concerted, two-year collaboration with the Court Statistics and Workload Committee and with the Florida Courts Technology Commission, this report offered a framework for a standardized, statewide, integrated data management solution for capturing and reporting case and court activity information for use both at the circuit and statewide levels—in short, it defined the kind of data the courts need to collect about the activity of the courts and the kind of system the branch needs to build in order to collect these data. ([Take this link to the TIMS report.](#))

Because branch leaders realized they could not tackle such a colossal project all at once, they advocated for working on a series of small, self-contained projects that could eventually be “snapped together” to form what is now called the Integrated Trial Court Adjudicatory System (ITCAS). The branch’s “enterprise view” entails the building of the various components slowly and deliberately with that global perspective ever in mind. Over the last few years, the focus has been on two key elements of this system.

First is the Court Application Processing System (CAPS). A critical corollary to e-filing court documents is the implementation of a system that enables judges and court staff to view and respond to those documents electronically and to enhance the management of cases. CAPS is designed to meet these needs. CAPS, which must adhere to standards developed by the Florida Courts Technology Commission, is a computer application system designed for in-court and in-chambers use by trial court judges and court staff, allowing them to work electronically on cases from any location and across many devices and data sources. Consisting of workstations and software, this interactive case management application provides judges with rapid and reliable access to case information; it provides access to and use of case files and other data in the course of managing cases, scheduling and conducting hearings, adjudicating disputes, and recording and reporting judicial activity; and it allows judges to prepare, electronically sign, file, and serve orders. A vital component to the adjudicatory function of Florida’s trial court judges, this web-based processing system has the potential to serve as the framework for a fully automated trial court case management system.

The initial hardware and software for CAPS was purchased with National Mortgage Settlement funding that lawmakers appropriated to the state courts system in fiscal years 2013 – 14 and 2014 – 15 to address the glut of backlogged foreclosure cases. The branch is currently seeking to make this technology available in all civil divisions and the criminal division.

The second element of the Integrated Trial Court Adjudicatory System is called the Judicial Data Management Services Project (JDMS). This project involves a state-level data management strategy that will pull court activity data from multiple sources and integrate them into a coherent whole. Ultimately, the data it provides will enable courts to measure adjudicatory outcomes and evaluate their efficiency; lead to increased operational efficiency through the adroit use of shared resources; and support supreme court efforts to establish organizational priorities through legislative resource and budgetary requests. The judicial branch has high aspirations for the JDMS—indeed, the courts system’s collection and management of foreclosure data for the Foreclosure Initiative was a “proof of concept” for the project—and during the 2015 legislative session, lawmakers showed their support, appropriating funding for operational support for staff augmentation, software development, licensing, hardware, and equipment for the development of the JDMS Project.

### **Remote Interpreting Systems**

Another major technology initiative in which the Commission on Trial Court Performance and Accountability has been involved is the use of remote interpreting systems to contain the costs

of interpreting resources while maintaining accuracy. Florida continues to experience significant growth in its non-English speaking population—a trend also reflected in the courts—and the judicial branch has been taking steps to improve its ability to handle cases and other matters involving parties or witnesses who have limited English proficiency. These efforts include expanding the use of technology to improve efficiencies without sacrificing quality.

As early as 2007, some of Florida’s trial courts began using audio and video technology to provide interpreting services remotely within their circuits; this came to be referred to as the “circuit model.” Over the last few years, the branch began to develop what it is calling a “regional model”—a more advanced remote interpreting solution that facilitates sharing interpreting resources among different circuits. The regional model, as envisioned, includes a state-level call manager (to manage the shared services) and has the potential to provide judges with scheduled and on-demand access to qualified staff and/or contractual interpreters. Expected benefits of the regional model include the elimination of travel, improved efficiency in case processing, improved effectiveness in the delivery of interpreting services, and increased opportunity to share interpreter resources among circuits and with other states.

In 2010, several circuits began preliminary explorations of a regional model pilot. Then in fiscal year 2013 – 14, the branch received funding to expand the piloting efforts of the regional model: the Third, Seventh, Ninth, Fourteenth, Fifteenth, and Sixteenth Circuits began sharing remote interpreting resources, and OSCA housed the call manager. A joint workgroup including members from the commission, the Due Process Technology Workgroup, and the Court Interpreter Certification Board was established to make recommendations on the business processes associated with sharing remote interpreting resources via the assisted use of technology; its report is currently under review by the supreme court.

### **Florida Trial Courts Technology Strategic Plan**

The judicial branch has made great strides in developing and implementing technology solutions to support efficient and effective access to justice. But it has also faced some significant challenges, especially in its efforts to respond to trial court technology needs: because funding for trial court “communications services” (as referenced in the Florida constitution) falls under the jurisdiction of each of the 67 boards of county commissioners, technology resources differ from one county to another, resulting in disparities in the level of information and the services that the trial courts are able to provide. Another challenge the branch faces is the lack of state-level automation, which results in inconsistent communication between local automation systems and in a fractured data collection environment generally.

To address these concerns, in 2013, the supreme court directed the Trial Court Budget Commission to explore potential revenue sources to support the trial courts’ future technology needs. The commission then established the Trial Court Technology Funding Strategies Workgroup to develop recommendations regarding the resources necessary to adequately fund the acquisition, support, maintenance, and refresh of technologies required to undergird the business needs of the trial courts—with the goal of developing the technology infrastructure needed to help ensure equal justice to Floridians in all 20 circuits.

To propose a funding structure for future trial court technology needs, the workgroup determined that the branch would first need to develop a comprehensive technology plan to address those needs, estimate what those technologies might cost, and define a mechanism for funding them. With National Center for State Courts support, and with the input of the 20 trial court administrators and the 20 trial court technology officers, the workgroup developed a strategic plan that identifies the critical business capabilities and the corresponding technical capabilities that the trial courts must have in order to function effectively. The plan also defines three main projects.

The first is the development of an infrastructure to effectively manage court business processes (the plan recommends the expansion of the Court Application Processing System, which provides judges and staff with the electronic case file information they need to perform their adjudicatory function). The second project is the furnishing of tools to perform more accurate and reliable digital court reporting and remote court interpreting (e.g., continued integration of digital equipment and funds devoted to refreshing previously purchased equipment). And the third is the provision of a minimum level of technology support services across the state (e.g., for dedicated IT support staff, for bandwidth, for training and education). ([Take this link to read the strategic plan.](#))

To develop, implement, and sustain these projects, the workgroup also calculated the courts system's funding needs over the next few years, emphasizing that, in addition to county funding, the courts system would need adequate and reliable state funding. It then developed, for the legislature's consideration, a comprehensive funding structure to support, maintain, and refresh the necessary technology elements. The biggest request was for fiscal year 2015 – 16, for which \$25.6 million in non-recurring funds was sought. Although lawmakers have not yet appropriated funding for this project, they have expressed interest in it and are likely to re-consider it in upcoming legislative sessions.

### **Electronic Access to the Courts**

While the term e-filing literally refers to the electronic transmission of court documents to the Florida courts, it actually signifies the more global goal of electronic access to the courts—that is, the use of information technologies to enhance the accessibility of the courts. Electronic access includes the many automated processes that make the courts more open and reachable by all users—judges, court personnel, and clerks of court; attorneys, self-represented litigants, and other parties; justice system partners and other user groups; the media; and the public. While advancing toward the full implementation of statewide e-filing, the judicial branch has kept its sight on the more universal goal of electronic access to the courts.

One of its most persevering goals has been to establish a mechanism for providing remote access to court records while protecting people's privacy rights. Since 2003, with the creation of the supreme court's Committee on Privacy and Court Records, the branch has been directing considerable efforts toward developing the infrastructure and policies needed to protect and curtail confidential and sensitive information in court records while establishing the means for providing public access to non-confidential records. Among these efforts was the adoption, in 2007, of a limited moratorium on access to electronic court records to address concerns about sensitive and confidential information contained therein. ([To read the 2007 Interim Policy on Electronic Release of Court Records, follow this link.](#))

In addition, the court has adopted rules and amendments to minimize the presence of sensitive and confidential information in court records, to require filers to identify and safeguard confidential information in their pleadings, and to require the automatic redaction of a standard list of 22 statutory public records exemptions by the clerks of court.

In May 2014, the supreme court took the next logical step toward responsible public access to electronic court records. At the recommendation of the Florida Courts Technology Commission, it adopted the *Standards for Access to Electronic Court Records* and the *Access Security Matrix*—documents that, together, provide a carefully-structured apparatus to facilitate appropriate, differentiated levels of access to court records to judges, to court and clerks office personnel, and to members of the general public and user groups with specialized credentials. (The standards and matrix are based on a model developed by the Manatee County Clerk of Court for a pilot program that operated under supreme court oversight from 2007 – 2011.) Both are living

documents that continue to be modified as statutes, rules, and administrative orders are revised or issued. ([Follow this link to the administrative order adopting the standards and the security matrix.](#))

To ensure that sufficient security measures are in place, clerks of court who seek to make court records electronically accessible must file an application with the court. The Florida Courts Technology Commission is responsible for reviewing and approving each application. Once a clerk receives approval, he or she must participate in a 90-day pilot program that monitors and coordinates all established clerk initiatives relating to online access to electronic court records. After participating in the pilot, the clerk can submit a letter to the Florida Courts Technology Commission seeking approval to go into a full production system.

## Emergency Preparedness in Florida's Courts

For court access to be a reality, the courthouse doors must be open, and the courts must be in working order. When courts have to close because of an emergency, whether the source is human or a natural cataclysm, then, in effect, court access is denied and justice is delayed.

The September 11 tragedy was the spur that propelled the development of branch-wide policies and procedures for anticipating and managing emergencies that can disrupt court operations. Within a few months of the terrorist offensives, then Chief Justice Charles Wells established the Work Group on Emergency Preparedness and directed it to "develop a plan for the State Courts System to better respond to emergency situations." The workgroup was guided by two policy goals: protect the health and safety of everyone inside the courts and keep the courts open to ensure justice for the people.

Since then, each Florida court has identified its mission-essential functions; each has a preparedness plan that includes emergency and administrative procedures as well as a continuity of operations plan; and each has designated an emergency coordinating officer, a court emergency management team (which is responsible for maintaining court operations in a disaster situation), and a public information officer (who helps to coordinate emergency response activities and provides information to, and answers questions from, the media and the public). At the same time, the branch founded the United Supreme Court/Branch Court Emergency Management Group (CEMG) to recommend policy for, prepare for, and respond to emergencies both in the supreme court building and in state courts across Florida. In addition, to expedite responses to threats and emergencies as well as to foster the coordination of resources, the branch established lines of communication with executive branch agencies and with local and statewide emergency management and first responder agencies. The emergency preparedness measures that Florida's court system has instituted since 9/11 have been nationally recognized as a model of teamwork and intergovernmental collaboration.

Emergency management includes being prepared both for nature-made crises (tropical storms, hurricanes, tornadoes, floods, pandemics, etc.) and for human-made calamities (oil spills, bio-hazards, extended information systems outages, military or terrorist attack-related incidents, and the like). Generally, the emergencies that tend to strike Florida are weather-connected (Florida is the most hurricane-prone state in the nation, according to the National Oceanic and



Atmospheric Administration; historically, 40 percent of the hurricanes that have pummeled the US hit the Sunshine State). At times, courts have to close briefly in response to weather events like heavy rains that lead to rising waters and flooding. Events like power outages, water main ruptures, malfunctioning A/C units, and server failures may also necessitate temporary closures.

After deftly addressing any kind of courthouse threat, court emergency management team members treat the incident as an opportunity to review their continuity of operations plan and make any necessary adjustments to ensure that their court is as prepared as possible to respond to crises, recover from them, and mitigate against their impacts. The CEMG regularly encourages each court to review its plan, conduct table-top exercises that test its plan, and engage in drills (fire, emergency evacuation, and shelter in place drills) a few times each year.

Because preparing for threats and emergencies is an ongoing requirement, the branch continues to develop strategies to ensure the safety of the public, judicial officers, and court personnel. Recent endeavors include the supreme court's September 2015 creation of the Task Force on Appellate Court Safety and Security, directed to develop proposed standards and best practices relating to the safety and security of the supreme court and the DCAs. The increasing incidences of mass violence also prompted the supreme court to establish the Trial Courthouse Security Workgroup in 2016; under the auspices of the Judicial Management Council, this workgroup is focusing on security standards of operation and best practices.

## ***Long-Range Issue #5: Maintain a Professional, Ethical, and Skilled Judiciary and Workforce***

### **Education for Judges, Quasi-Judicial Officers, and Court Personnel**

Throughout the year, numerous groups within the court system offer high-quality education and training opportunities to the people who work in the judicial branch, making efficient and effective use of limited funding and staff resources. For instance, the Standing Committee on Fairness and Diversity—with the help of the 26 diversity teams (one in each circuit court and DCA, and one for the supreme court and OSCA) and the judges who have become certified diversity trainers—conduct local and regional diversity awareness trainings. Also on the local level, judges and court personnel often hold trainings for members of their workforce: numerous circuits have been developing continuing education programs for their court interpreters, for instance.

In addition, various OSCA units conduct or coordinate education programs for judges, court personnel, and justice system partners across the state. The Office of Court Improvement, for example, continues to expand its repertoire of live and online trainings, publications, and videos for

family court and problem-solving court professionals. And the Florida Dispute Resolution Center, in addition to conducting local mediation education programs, facilitates a statewide conference each year for alternative dispute resolution professionals, giving attendees a chance to earn continuing education credits in mediator ethics, cultural diversity, domestic violence education, and other topics of relevance to their practice. In addition, the Court Services Unit offers regular orientation workshops, and administers written and oral language exams, for foreign language and sign language interpreters who seek certification to interpret for the courts. And the branch's statewide ADA coordinator organizes educational conference calls, and also coordinates statewide training programs, for the circuit and appellate courts' ADA coordinators on topics related to court access for people with disabilities. Furthermore, the Administrative Services Division and the Personnel Services Unit periodically organize statewide instructional events on topics of importance to court staff who work in budget services, finance and accounting, general services, and human resources, and the General Services Unit coordinates trainings on emergency preparedness for the branch's emergency coordinating officers.

Other education programs and resources for judges and court personnel are supported by the Florida Court Education Council (FCEC), which was established by the supreme court in 1978 to coordinate and oversee the creation and maintenance of a comprehensive education program for judges and some court personnel groups and to manage the budget that sustains these ventures. The council, with the support of two OSCA units (Court Education and Publications), provides continuing education through live programs, both statewide and local, and through distance learning events, publications, and other self-learning resources.

### **Education for Judges and Quasi-Judicial Officers**

Judges are required to earn a minimum of 30 approved credit hours of continuing judicial education every three years, and new judges have to satisfy additional requirements. Each year, the council works with the leaders of the judicial conferences and judicial colleges to help judges meet their educational obligations.

Florida's judicial branch has three judicial conferences: the Conference of County Court Judges of Florida, the Florida Conference of Circuit Judges, and the Florida Conference of District Court of Appeal Judges. One of the functions of these conferences is to make sure their respective judges are able to satisfy the continuing education mandate. Through representation on the council, each conference helps to develop educational policy, and with the assistance of OSCA's Court Education Section, each conference also coordinates its own live education programs. The Conference of County Court Judges of Florida and the Florida Conference of Circuit Judges offer annual education programs in the summer, and the Florida Conference of District Court of Appeal Judges holds its annual education program in the fall (at the same time and place, the appellate clerks and marshals hold their yearly educational events).

In addition to the three conferences, the branch has two judicial colleges: the Florida College of Advanced Judicial Studies and the Florida Judicial College. The College of Advanced Judicial Studies is a comprehensive continuing judicial education program for those seeking to hone existing skills or to delve deeply into a subject matter area; also available are courses that encourage thoughtful reflection on the meaning of justice. Florida's appellate and trial judges, as well as its general magistrates and child support enforcement hearing officers, may apply to attend this annual program.

Trial court judges who are new to the bench—and, since 2013, all new general magistrates and child support enforcement hearing officers as well—are required to participate in the Florida Judicial College program. This intensive, 10-day program has two phases. The first phase, a pre-bench program typically held in January, explores the art and science of judging through a series of orientation sessions, a mock trial experience, and a trial skills workshop; the second phase,

two months later, focuses on more substantive and procedural matters. The Florida Judicial College also includes a year-long mentoring program.

The Florida Court Education Council also sponsors an education program for judges new to the appellate bench. New appellate judges who have never sat on the trial bench must also attend the first phase of the Florida Judicial College.

In order to be able to offer the hundreds of hours of continuing judicial education instruction needed each year, court education leaders rely substantially on the time and dedication of a roster of judges who generously agree to serve as faculty. Judges who want to teach other judges are required to take a two-day faculty training course that, in a small-group setting (typically no more than 16 participants), introduces them to adult education principles and prepares them to create participatory learning activities. These training programs, which are generally offered two times a year, ensure that the FCEC's education initiatives remain needs-based, learner-driven, and beneficial and that the faculty are skilled at meaningfully responding to the needs of the students.

### **Education for Court Personnel**

Like judges, court personnel are expected to have the knowledge, skills, and abilities to serve and perform at the highest professional levels. To meet this goal, the FCEC, through its Florida Court Personnel Committee and with the support of OSCA's Court Education Section, continues to develop education and training opportunities for the employees who work in Florida's court system.

Efforts to build a flourishing education program for court personnel began in 2006, when the FCEC hired a consultant to perform an education needs assessment of six categories of court personnel and to make recommendations about their training needs and the most effective methods for addressing them. Not long after, the council established the Florida Court Personnel Committee to construct a plan for meeting these educational needs. Since 2008, the FCEC has provided funding for numerous statewide educational initiatives for court personnel groups, and it has also granted funding assistance to support local education programs developed by court personnel.

Each year, the council has been funding a wide range of local training programs on topics like diversity and cultural awareness, leadership skills, communication and motivation, and case management skills. The council also provides funding for several statewide programs each year. Among them is the Florida Court Personnel Institute; inaugurated in 2013, this two-day program, tailored to the education needs of Florida's court employees, brings approximately 100 court personnel together from across the state to participate in programs that focus on topics like motivation and team building, court communications, public perceptions of fairness, and faculty training. Each year, participants have appreciated the level of instruction and its direct applicability to their work lives; evaluations confirm that attendees are energized by the experience and delight in the opportunity to meet others at similar professional levels throughout the court system.

### **Publications and Other Self-Learning Resources**

To supplement the host of training and educational offerings for judges and court personnel, the branch has continued to expand its storehouse of self-learning resources and web-based materials. To help the court system achieve this goal, the FCEC supports judicial and staff efforts to develop new court education publications, update existing ones, develop distance learning projects for court personnel, and expand the online Court Education Resource Library.

The FCEC's Publications Committee, with the assistance of OSCA's Publications Unit, works industriously to add to its catalog of online benchbooks and other publications for judges as well as webinars for court personnel. The Publications Committee also continues to build the online Court Education Resource Library. The resource library provides browsers with easy access to a panorama of educational materials: links to publications and other materials prepared by the Publications Committee and other OSCA units; materials from live court education programs and other educational events; and useful articles, curricula, handbooks, and reports from other state and national organizations.

## The History of Judiciary Education in Florida

Florida is among the nation's judiciary education pioneers. Indeed, for more than four decades, branch education leaders in this state have been working studiously to ensure that judges have varied opportunities to enhance their knowledge, skills, and abilities, thereby equipping themselves to administer the justice system fairly, effectively, and in ways that promote the people's trust and confidence.

Continuing judicial education efforts began as early as 1972, when the supreme court established the Florida Institute for the Judiciary, a temporary education program designed to help new circuit and county judges carry out their judicial responsibilities. Realizing that a more enduring program was necessary, in 1976, the court created the College for New Florida Judges (circuit and county)—an incipient version of what has become the Florida Judicial College, Phase II. In 1978, anticipating the burgeoning of judiciary education for Florida's judges and some court personnel groups, then Chief Justice Ben F. Overton established the Florida Court Education Council (FCEC), which was charged with coordinating and overseeing the creation and maintenance of a comprehensive education program and with making budgetary, programmatic, and policy recommendations to the court regarding continuing education; punctuating his commitment to this council and its important work, Chief Justice Overton—fondly called the "Father of Court Education"—became its first chair, serving in that capacity until 1995.

In 1982, judiciary education truly began to blossom in Florida. That year, the FCEC released a comprehensive plan that included goals, standards, and a long-range curriculum plan as well as standard operating procedures for administering education travel funds. By 1983, most of the programs now regularly offered had been introduced: the annual education programs of the county judges, circuit judges, and appellate judges; the Florida Judicial College (the pre-bench program was not yet a part of this program); the traffic adjudication seminar; the chief judges education program; and the appellate law clerks education program (offered every other year); the following year, the first Florida Judicial College Faculty Training was offered.

At this point, judges had a great range of educational programming available to them—but judiciary education was not mandatory. That changed in 1988, with the implementation of an opinion authored by Justice Overton requiring Florida's judges to take 30 hours of continuing judicial education every three years (with new judges also having to fulfill some additional education requirements). Meanwhile, judiciary education continued to expand: in 1991, for instance, the FCEC offered the first pre-bench program for new judges as well as the College of Advanced Judicial Studies (previously, "specialty courses" were tacked onto the beginnings and/or ends

of other programs; later, the FCEC offered some stand-alone programs with several specialty courses together). And 1991 also saw the establishment of the New Appellate Judges Program (originally, as part of the College of Advanced Judicial Studies), which became mandatory for all judges new to the appellate bench in 1996.

Before long, the FCEC realized that the time was ripe for performing a full-spectrum self-assessment, and in 1998, it appointed a committee to conduct a comprehensive evaluation of all of Florida's judicial education programs to determine whether the overall delivery system was adequate, comprehensive, and effective. In its report to the supreme court, the committee made numerous recommendations about standardizing various education policies and procedures that are still in practice today.

Among its recommendations, the committee also offered numerous propositions regarding the recruitment, selection, and evaluation of the deans and associate deans of the two colleges: the Florida Judicial College and the College of Advanced Judicial Studies. The deans and associate deans, who are appointed by the FCEC and can serve a maximum of two consecutive three-year terms, surely deserve special praise and appreciation, for they dedicate countless hours to ensuring that the colleges fulfill their missions and operate smoothly and effectively, and they take very seriously their manifold responsibilities, which include making decisions about issues ranging from the most minor (e.g., what color to select for the notebooks) to the most consequential (e.g., what sessions to offer each year; whether to cancel the college, or press on, when the 9/11 attacks occurred on day two of the program).

And, still, the judiciary education program is thriving. More recently, for instance, efforts to build a flourishing education program for court personnel took root: following a needs assessment performed in 2006, the FCEC established the Florida Court Personnel Committee and began to allot funding for programs for certain groups of court professionals. Since then, court personnel have been able to take advantage of more than 100 education initiatives, most of which have been developed and offered on the local level.

Clearly, judiciary education in Florida has evolved appreciably over the years. And it has had to evolve: for Florida has close to 1,000 judges—plus senior judges, general magistrates, and child support enforcement hearing officers—who seek to satisfy their continuing education requirements and to have access to trainings that furnish them with the knowledge, skills, and abilities they need to serve and perform at the highest professional levels. To make this a reality, the FCEC must offer hundreds of hours of continuing judiciary education each year.

This would undoubtedly be a formidable (and highly costly) challenge for the FCEC—if not for the dedication and generosity of a league of Florida judges who volunteer to serve as faculty for judiciary education courses. And these judicial educators are of the highest caliber, for before they even set foot in front of a classroom at the Florida Judicial College or the College of Advanced Judicial Studies, the FCEC requires them to participate in a two-day faculty training course. (Typically, the county judges' and circuit judges' conferences also utilize faculty who have taken an approved faculty training seminar. And although judges who teach in other Florida judicial education activities are not required to take a faculty training course, they are strongly encouraged to.)

First offered in 1984, these faculty trainings teach prospective judicial educators about planning a successful course founded on adult education principles: they learn how to do a needs assessment, develop learning objectives, team teach, reach different kinds of learners, make effective use of audio and visual support, and create useful learning activities. Another enticing benefit of the training is that participants get to learn from some of the branch's most experienced and



accomplished judicial faculty, who unreservedly share practical and anecdotal tips about what works in the classroom (and what is likely to miss the mark). Generally offered at least twice a year, the faculty trainings ensure that the FCEC's education initiatives remain needs-based, learner-driven, and relevant and that its judicial educators are skilled at responding meaningfully to the needs of their students. According to records kept by OSCA's Court Education Section, over the years, more than 670 of Florida's judges have undergone faculty training—and have taught thousands of courses for judges and court personnel.

During the early years in which faculty trainings were offered in Florida, the FCEC brought in Dr. Gordon Zimmerman, Professor Emeritus in Communication (University of Nevada, Reno), whose faculty development programs have introduced more than 2,000 judges, lawyers, and managers across the nation to adult learning methods for teaching their colleagues. Starting in the mid-1990s, however, Judge Scott Brownell, Twelfth Circuit, and Judge Kathleen Kroll, Fifteenth Circuit, enthusiastically welcomed that responsibility—and to this day, they are still committed to teaching judges how to be effective and compelling educators.

Thanks to the efforts of Dr. Zimmerman and Judges Brownell and Kroll, faculty-trained judges and former judges have been teaching with poise and assurance at judiciary education initiatives across the state for many years now. Faculty trained judges frequently teach at local programs—for instance, they offer trainings on fairness and diversity and on topics related to dependency and domestic violence, and they teach at circuit-based continuing education programs for court interpreters and for mediators. And they are ubiquitous at statewide judicial education programs: they teach at the county court and the circuit judges' annual education programs, the Florida Judicial College, the New Appellate Judges Program, the Florida College of Advanced Judicial Studies, the DUI Adjudication Lab, and the Faculty Trainings and Faculty Enrichment Courses (and they often teach at the Florida Court Personnel Institute as well).

Florida's judicial faculty are also in demand on the national level. For decades, they have taught for the National Judicial College (founded in 1963, the NJC was the first college to offer programs to judges nationwide). In the five-year period between 2010 and 2015, for example, 16 different Florida judges and former judges served as faculty for the NJC, with some having taught for the college for more than 30 years!

And on the international level as well, Florida's judicial faculty are highly regarded. As an illustration, for several years, small groups of German judges, eager for an opportunity to learn from Florida's judicial educators, attended the Florida College of Advanced Judicial Studies at their own expense. And in some cases, an entire Florida courthouse has served as a kind of "learning lab" for judges from afar: a delegation of South Korean judges and clerks visited the Second Circuit to learn about Florida's jury system and witness the jury process at work, and several delegations of judges from Mongolia have visited the Seventeenth Circuit over the years to learn about Florida's justice system and the practices of its judges.

Thanks to the availability of increasingly sophisticated technological tools, the FCEC is also taking advantage of an expanding repertoire of methods with which to supplement its in-person trainings and education offerings. In particular, it has been encouraging the development of online publications and other web-based self-learning resources. This drive began in 1999, when the FCEC conducted a publications feasibility study, which resulted in a recommendation to create a judicial publications department in OSCA. Working under the direction of the council's Publications Committee, the OSCA Publications Unit, established in 2004, has developed and produced an abundance of benchguides, benchbooks, and manuals for judges and court personnel (initially available in hard copy, these publications are available exclusively online now). The Publications Unit also built and continues to expand the online Court Education Resource Library, which is

stocked with educational materials: links to publications and other texts prepared by the Publications Committee and various OSCA units; materials from live court education programs and other educational events; and useful articles, curricula, handbooks, and reports from other state and national organizations. In addition, for court personnel, the FCEC has supported the development of distance learning courses related to publications in the resource library. With the addition of web-based self-learning tools to its menu of education offerings, the FCEC continues to embrace new and innovative strategies for engaging and educating all kinds of adult learners in the judicial branch.

## ***Miscellany***

### **Reflections on Changes in Court Administration Since 1972**

(Marking the 40th Birthday of Florida's Office of the State Courts Administrator)

In 1972, more than two-thirds of Florida voters approved reforms to Article V of the state constitution that sought to bring greater consistency and uniformity to the judicial branch. The ultimate goal of these reforms was to ensure that litigants receive similar treatment under Florida law, regardless of where they live. The 1972 constitutional revision had seismic effects on the judicial branch: outcomes included the reorganization of Florida's 16 different types of trial courts into a two-tier system of 20 circuit and 67 county courts; the institution of a series of requirements designed to ensure that judges would be qualified and impartial; and the requirement that all judges' salaries be paid by the state, rather than by local governments. Because it simplified and consolidated the structure of the trial courts, creating uniform jurisdictions with clean geographic divisions, this Article V rewrite is generally celebrated for instigating the process of unifying and shaping what we now know as the Florida State Courts System.

Less known, perhaps, is that these reforms also defined clear lines of administrative authority and responsibility in the judicial branch. Specifically, the Article V revision designated the chief justice as the chief administrative officer of the entire court system, and it created the position of chief judge, making the chief judge responsible for the administrative supervision of his or her court.

But even back then, when Florida was, in many ways, far simpler and more rustic than it is today, the compass of the branch's administrative responsibilities was prodigious, far too sweeping to be accomplished by a single sitting member of the state's highest court. So, to serve the chief justice in carrying out these responsibilities, the supreme court established the position of the state courts administrator. The initial focus of the state courts administrator's office was handling administrative matters for the appellate courts and developing a uniform case reporting system to glean information about activities of the judiciary. Eventually, the duties of the Office of the State Courts Administrator (OSCA) grew to include budgetary, intergovernmental, statistical, technological, educational, programmatic, and legal responsibilities related to the operations of, as well as ministerial duties for, the state courts.

For many years, the DCAs and trial courts have also had professional court administrators: each of the 20 circuits has a trial court administrator (TCA) who assists the chief judge in his or her role as the administrative supervisor of the circuit and county courts, and each of the five DCAs has a marshal, a constitutional officer under Article V who assists the chief judge in implementing administrative policy. Because court administrators and their staff attend to the effectiveness and efficiency of court operations, judges are able to concentrate on adjudicatory, rather than administrative, tasks.

In 2012, OSCA turned 40 years old. Marking this milestone, this article looks back at some of the more pronounced and interesting changes that have transformed court administration in Florida over the years. The article is based on the reflections of seven people who, since the mid-80s, have held court administrative positions in various courts in the state (they will be introduced later in the story). Taken together, their anecdotes and musings create a colorful, richly-textured panorama of court administration past and present.

Within the last 30 years, three transformations have been so profound and far-reaching that all seven interviewees discussed them at length: the striking changes the courts have encountered, and to which they have had to adapt, over the years; the advances propelled by technology; and the changes effected by the passage of Revision 7.

### **The Courts Grow Up**

One of the first points all seven interviewees mentioned was how dramatically the court system has grown in nearly three decades. When they first began their work with the branch, courts did not yet have court interpreters, trial court law clerks, staff attorneys, case managers, or hearing officers, for instance. And although some neighborhoods had citizen dispute settlement centers, court-based mediation hadn't yet transformed the court system. No one gave much thought to emergency management or strategic planning or performance and accountability in those days. –Or to specialized dockets: teen court, drug court, mental health court, veterans court, elder court, and business court weren't on the radar yet. Most everything about the branch was less variegated back then. For instance, in the mid-80s, the state had just more than half the current number of judges—but the faces of justice were not particularly diverse: most judges were white, middle-aged males (the racial and ethnic bias study, the gender bias study, and the ADA-inspired court facilities survey had not been conceived yet).

Over time, Florida's population burgeoned and diversified, and its communities became more interdependent. Accordingly, court workloads increased, as did the complexity of the social and legal issues that came before the courts; simultaneously, people's expectations of the courts were heightening significantly. These were among the factors that prompted the need for professional court management, emphasized the interviewees. Administrative demands were becoming increasingly rarified and specialized, making it impossible for just a few people to continue doing all the administrative work of a court. For instance, in the 80s, to be a capable TCA, one had to be a jack of all trades who could, on his or her own, perform most all the circuit's administrative functions—e.g., finance and accounting, budgeting, personnel, technology, facilities management. But as the work of the courts became increasingly complex, court administrators had to hire people with specific expertise in these fields. One TCA remembers that, in 1985, his circuit had 14 circuit and eight county judges, and he and his office staff of three were able to complete the various administrative duties; now, for a population that's almost doubled, the circuit has 28 circuit and 12 county court judges, and it takes 138 court staff to perform all the circuit's administrative responsibilities. The level of professionalism of every aspect of court administration, from court interpreters to law clerks, has changed dramatically, a former TCA noted: "Court administration has undergone a real growing up," she reflected.

## Technological Revolutions

Contemplating the technological changes they'd witnessed over the years, interviewees chuckled over the primitive tools they used to have to rely on to do their jobs. In the mid-80s, for instance, all of OSCA—which employed around 60 people then—had only four telephone lines; calls came in to a receptionist, who operated the switchboard and routed the calls to the appropriate person. A big old clunky rotary phone sat on everyone's desk. If someone needed to make a call, he or she would have to watch the lights on the phone to see when a line became available. And when calls came in while people were away from their desks, they'd return to find a passel of "while you were out" messages stuck to their door; everyone had a spindle on his/her desk for stashing these message slips. Also, for every long distance call people made—and, when offices eventually got fax machines, for every fax people sent—they had to fill out a log book, listing the date, the phone (or fax) number, and the reason for the call—"a time-consuming, antiquated system," everyone agreed.

The phones weren't the only dinosaurs in court administrative offices. Most offices had only one copier for everyone who worked there. OSCA had what was described as "a single, humongous 3M copier that had already made over a million copies in 1988." As one interviewee recalled, if she had a big copy job, she had to reserve time on the machine.

Naturally, very few people had computers back then—and those who had them usually had to share them; and what computers were able to do was rather limited. The sorts of tasks that we hardly think about anymore because they are now automated—like tracking bills, checking case citations, administering attendance and leave, advertising jobs, doing instant criminal background checks—were often painfully laborious manual processes that took huge chunks of time to accomplish. And of course it goes without saying that email wasn't even in gestation back then, prompting everyone to remark on the ease with which we now can access information and communicate with one another. But, as one interviewee pointed out, because she could never get instant information, data, or responses to her questions in those days, the pace of work, of life, was necessarily slower and more measured. Nonetheless, all the interviewees agreed that they can do many aspects of their jobs far more easily now, given the colossal advances in the equipment and tools that are available.

## Revision 7

The third matter that all seven interviewees mentioned was the revision of section 14 to Article V of the Florida Constitution—commonly called Revision 7—and the changes that followed in its wake. Passed by voters in 1998 and implemented in 2004, Revision 7 brought about budgetary unification in Florida's courts. Since the 1972 Article V overhaul, the state had been funding the salaries of judges and their assistants, but the counties were paying most of the other costs of running the court system, which often meant substantial discrepancies in funding and services between one county and another. Revision 7 was designed to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding for each county—thereby providing all Floridians with access to the same essential trial court services, regardless of where in the state they reside.

Interviewees remarked that Revision 7 significantly helped foster the *system* aspect of the Florida State Court System—and helped court personnel begin seeing themselves as part of that system. As several pointed out, we're still not fully unified—but all agreed that we're considerably more unified now than we were before the passage of this constitutional amendment. Because of this unification, the branch is better able to speak with a clear and consistent voice and can develop statewide policies in a more thoughtful and deliberate manner. This unification also has made it possible to embark on a range of ambitious statewide projects, like the development of an electronic courts structure.

## Other Changes

In addition to the three major metamorphosing issues discussed above, each interviewee also had observations about other, less dramatic changes they'd noticed over the years.

Nick Sudzina, who has been the TCA with the Tenth Circuit since 1985, talked about the significant changes in the jobs of everyone in the court system, both judges and court personnel. When he first began working in the courts, judges actually did some of the administrative work, like case management, themselves—"but that was before the courts had to deal with this amount and scope and complexity of litigation," he explained. He also described some of the ways TCA responsibilities have evolved over time: "This workplace is always changing, so the job of TCA has to keep changing with it. Now, TCAs need a background in areas like judicial administration, court management, managerial skills, and communications." Also different now is "the increasing presence of the news media; they seem to be watching government closely, especially the courts because of the funding dilemma." This reminded him of an aspect of his job that has not changed: "Funding is always a challenge," he conceded. Another unchanging feature is that his job is "always rewarding: I learn something new each day. The job is always challenging, but it's always a pleasure to come to work."

Like job responsibilities, court programs have also changed considerably. Susan Leseman began working at OSCA in 1985, first as a program attorney for what is now called the Court Education Section and then as the chief of Court Education; she then became the managing attorney for OSCA's Publications Unit. Over the years, she's seen great changes in the court education programs—which recently began including programs for court personnel too: "The education programs have grown to meet the complexities of the jobs that judges and court personnel do," she explained. For example, in the early 80s, the agenda for the circuit judges program had a criminal and a civil track; now, there are also tracks for juvenile, family, probate/guardianship, and general interest, such as evidence. In addition, new programs had to be developed to meet the expanding educational needs of judges, so now there's a pre-bench program, a program for new appellate judges, the Advanced Judicial Studies program, and distance learning programs. "We have moved from chalkboards to overhead projectors to PowerPoint to LCD projectors to web-based programs—a huge technological leap that better facilitates learning," she added. Because her unit coordinated and staffed most of the programs, she often had to travel, and she remembers when the per diem allowances were a mere \$1.50 for breakfast, \$3 for lunch, and \$6 for dinner; the mileage reimbursement was only six cents per mile. "You always lost money when you travelled," she observed.

Although state money has almost always been constrained, circuits were often able to find other sources of funding for cutting-edge programs. Tom Long was the TCA at the Sixteenth Circuit from 1984 – 1989 and then at the Second Circuit from 1989 – 1999; following that, he became the OSCA general services manager until he retired in 2011. For him, a big difference between his early days in court administration and now is that circuits used to have access to local grant money, which made it possible for courts to be highly pioneering. Grant money supported breakthroughs like the pretrial release program, management information systems technology, neighborhood justice centers, and some specialized court dockets. "What was innovative back then is standard now," he commented. But now it's much harder to get grant money, "So the progressive, innovative circuits are finding it hard to fund good concepts." As a result, "Innovation is more likely to come out of court committees; it's more likely to originate in Tallahassee, not at the circuit level."

However, some of these Tallahassee-based innovations have definitely been momentous. Debbie Howells, who has been with OSCA since 1988, is the executive assistant for the state courts administrator. The state has undergone many changes since she first began working for the



courts, when “Florida was still wild and woolly and rough and loosely-populated.” And the court system has grown to accommodate those changes. She called attention to two in particular: the branch’s increasing focus on intergovernmental relations and the growing cooperation between the court system and the clerks, who have recently been working together on projects like funding stabilization, e-filing, and the e-portal. But she also emphasized that some things haven’t changed. For example, in all these years, “Florida’s court system continues to be a trailblazer, a leader, nationally.” Florida was a trailblazer with mediation, she remarked, and it was also “the first state to engage in a study about the economic impact on the state’s economy of an underfunded court system.” So, even with all its changes, “Florida continues to be resourceful and creative.”

David Pepper also brought up the court system’s relatively new emphasis on intergovernmental relations. Dr. Pepper, who had several positions with OSCA’s Personnel Services beginning in 1987 (personnel manager, the chief of Personnel Services, and court operations consultant), called attention to the amount of time and energy that now goes into addressing legislative affairs as they affect the judicial branch. Years ago, “The court system generally got the resources it needed,” and only the state courts administrator and his deputies played a role in tracking legislation and meeting with lawmakers and their staff. “But with so much competition now for limited state resources, the courts have had to get more involved in the process,” he explained: now, the justices, chief judges, the two budget commissions, and other judicial leaders participate; OSCA has an Office of Intergovernmental and Community Affairs; and most all of OSCA is involved in what has truly become a “team effort.” Another significant change he noted is that “various employee relations issues are in the forefront now”—like sensitivity to diversity, sexual harassment, and ADA compliance.

Broadly speaking, all the interviewees expounded on the court system’s growing professionalism, in one way or another—and Theresa Westerfield addressed it very emphatically. Ms Westerfield was with the Sixteenth Circuit from 1988 – 2005, first as the first director of the Pretrial Release Program and then as the TCA; then she moved to Tallahassee, first serving as the OSCA budget administrator and then as the chief of Personnel Services. She emphasized the “high level of professionalism I now see in every element of the court system,” gesturing toward court interpreters as an example. When she was TCA, if a party needed a Spanish language court interpreter, “you just grabbed whoever you could grab because there were no court interpreters.” Also, back then, she recalled, “Court reporters were like judicial assistants in that they were assigned to a judge, not a courtroom,” and they got paid by the transcript page—“The more they did, the more they earned,” she explained. “Then, in about 1995, they became court employees, and that was a big deal; it really changed their relationship with the court,” she reflected. Today’s standards are truly high, she stressed—especially when compared to some past informalities: when she was in Key West, for example, “lawyers didn’t even have to wear socks to court,” she playfully quipped (of course, she did add that that was probably only true in Key West).

Court facilities have also become more formal and more professionally outfitted over time. Glen Rubin was the OSCA purchasing director from 1984 – 1995 and was the marshal with the Fourth DCA after that. He remembers when it was perfectly acceptable to smoke in the supreme court building—and when brass spittoons were among the items in the property inventory. He was there when the first woman was appointed to the supreme court in 1985: like the other justices, Justice Rosemary Barkett had her chambers on the top floor. But that floor only had a men’s room; in those days, women—judicial assistants and some of the law clerks—had to go downstairs for a restroom. Building personnel quickly “had to figure out how to get a bathroom for Justice Barkett.” But one of the most significant changes over the years was the adoption of security features for the building. At first, “The building had no metal detectors or scanners: anyone could walk in.” There were only two security guards, one at the front entrance and one

at a side entrance; the rest of the entrances—and there were many—were unsecured. (Back then, he added, to be a security guard, “The only requirements were a sixth grade education and the ability to follow directions.”) This conspicuous security lack wasn’t addressed until a rather controversial supreme court decision led to death threats against some of the justices.

In this impressive vista of changes that the interviewees shared—some of the memories humorous, some astonishing, some instructive, some nostalgia-provoking—one other point came up again and again. Over the last few decades, the court system has definitely become more open, more transparent, more accessible—think about cameras in the courtroom, for instance, and about the astronomic amount of information available on each court’s website. Paradoxically, however, it has also become, to an extent, more closed off, less personal, and less intimate, they remarked. While praising the ease and speed of communication, they also bemoaned the disintegration of social contact, of connections, of warmth. That reality seemed to give everyone pause for thought....

## Musings on the Early Years of Technology in Florida’s Courts

(as Recounted by Two Longstanding OSCA Employees)

Florida’s Office of the State Courts Administrator (OSCA) was created in 1972 to assist the chief justice in carrying out his or her responsibilities as the chief administrative officer of the judicial branch. Since then, OSCA, housed in the supreme court building, has performed and overseen many of the administrative functions necessary to facilitate the smooth and efficient operation of the court system—which includes tasks like preparing the branch budget requests to the legislature, collecting and analyzing data relevant to court operations, coordinating judicial educational programs, and furnishing technical support for the courts [\[see the Florida Rules of Judicial Administration 2.205\(e\)\]](#).

In its earliest days, OSCA was a tiny entity, consisting of the court administrator, his administrative assistant, his executive secretary, a judicial planning and grants coordinator, and his secretary. In addition to these five employees, OSCA also loosely included a group of grant-funded employees who, at an off-site location, collected and analyzed the data used to prepare the branch’s operating budget and to project the need for additional judges.

Over the years, OSCA—and, indeed, Florida’s entire court system—have undergone a profusion of metamorphoses. When on the verge of retirement after 36 years with OSCA—her last 24 with Information Systems Services (ISS)—Merica Granger agreed to share memories of some of the more dramatic of these (r)evolutions, especially those in court technology. Spurring her memory, and adding some lively anecdotes of his own, was co-worker and friend Clyde Conrad, who started working at OSCA in 1985 as the ISS Applications Development Manager.

In the early 70s—and for a good number of years after that—office technology was decisively more humble than it is now. In 1973, when Ms Granger was hired as secretary to the judicial planning and grants coordinator, her most high-tech piece of equipment was “just a typewriter—and not even a self-correcting one,” she marveled; “We used carbon paper to make copies.” For administrative orders and letters, judicial assistants had a rather primitive, mainframe-based word processing system called the Automated Text Management System, or ATMS; as Ms Grang-

er recalled, "You slipped in a card, which got sucked into the machine; typed your letter; and saved it on the card." Because documents could be saved, judicial assistants could print multiple copies—and additional copies at any time. However, although the cards could be overwritten, they couldn't be modified, so if a document needed any changes, it had to be retyped from scratch. Also, Mr. Conrad added, no more than seven people could use the ATMS at any given time, so it was somewhat limited. He described the ATMS as "cryptic" and "cumbersome"—but "high tech for back then, and a big step up from typewriters with carbon copies!"

Archaic as well was the building's phone system. When he was hired in 1985, Mr. Conrad noted, OSCA had one phone system with four or five lines (the entire court administrator's office had one phone number with lots of extensions). "The phone was answered in the court administrator's office, and an intercom let you know if the call was for you."

Over time, however, the number of court cases mounted; the classification of crimes expanded; the courts frequently had to implement new, mandatory criminal procedural requirements; and legal issues were becoming increasingly complex. In order to continue managing court resources efficiently and effectively, OSCA's administrative functions needed to grow. In the mid-80s, under the leadership of State Courts Administrator Ken Palmer, OSCA began evolving, becoming partitioned into various divisions to better address the branch's burgeoning administrative responsibilities. This is when Ms Granger was promoted to administrative assistant for ISS (then called the Information Systems Division, or ISD). And this is also when she finally got her first self-correcting typewriter, she triumphantly announced. At the time, ISD provided technology support to the supreme court, OSCA, and the five DCAs, and it consisted of four programmers, a data entry person, two time and study analysts, Ms Granger, and Mr. Conrad.

It was also about this time, 1985 – 1986, that technology in the courts began morphing at a feverish pace. Mr. Conrad's first responsibility with ISD was "to get the DCAs automated with computers" that were not mainframe-based—which he described as a "very bold change" over which "huge battles" were waged, in part because there was "major resistance" to this new technology. ISD evaluated the word processors from four different companies and finally selected Burroughs (which later became Unysis) "because it gave us more disk space and also had connectivity that allowed a judge's suite of people to be able to work from a central box that the whole court worked from"—which meant that electronic documents could be shared for the first time. Burroughs was also unique because, if the main CPU went down, the desktop machines could be rebooted, and everyone in the judge's suite could continue to work from his or her location. Even though, at the time, only the DCAs were scheduled to get these computers, he described this change as "so big that the supreme court had to get involved." ISD had to go before the Appellate Technology Committee and the Supreme Court Technology Board to justify the selection of Burroughs. "It was a major, major undertaking to get the first court up and running," he ruminated.

Soon thereafter, Ms Granger recalled, the supreme court and OSCA adopted the Burroughs computers, but only the secretaries and division chiefs were given one at first (even though she worked in ISD, she didn't get a computer until the late 1980s). She remembers the Burroughs as having a very small screen; it took 5.25 inch floppies—and ate up an enormous amount of desk space. On top of that, "It was definitely not user-friendly: all the parameters for letters and administrative orders had to be changed, and everything was in code; it was a big challenge to get used to," she emphasized. "The technology was evolving so quickly, and it created a lot of trauma for everyone," Mr. Conrad added. Not surprisingly, many judges and court employees were resistant: they were anxious about this alien technology and wary of anything that threatened to eradicate face-to-face interaction; many had never developed keyboarding skills; and they lacked computer training. To try to allay people's unease, Mr. Conrad reminisced, "training

was the big emphasis in ISD back then. ISD put in the computers; did training classes for all the judicial assistants and law interns; brought in vendors to do classes.” In spite of some reluctance to embrace the computer age, Florida’s courts truly were “pioneers,” he reflected, because the judicial branch “began using this new technology before the other branches—and they did it with very little money.”

Since then, the court system has witnessed a number of momentous computer-related shifts, Mr. Conrad explained. With the invasion of the world of Windows in the early 90s came the use of the mouse and the ability to open several documents at once, making it desirable for the courts to move to a Windows environment. So, in the early 90s, the courts adopted the Digital Equipment Corp operating system. With this switch to Windows, the courts shifted to Corel WordPerfect, which required a massive conversion of all court documents—“and lots of new training classes,” Ms Granger and Mr. Conrad pronounced. “By now,” they added, “everybody had a word processor on their desk, whether they wanted it or not.” (Quite a few OSCA employees confessed to having fastidiously ignored their computers for close to a year, letting the still-boxed, newfangled devices take up desk-space and collect dust—until a directive came from above ordering them to unpack and begin using them.)

The next move, in the mid-90s, was to the Intergraph, which used the same Windows software; these computers had “nice, fast workstations and good graphics,” recollected Mr. Conrad. At this point, email (the courts had Novell at the time) and Internet access were available—but “No one really knew what to do with them back then,” Mr. Conrad chuckled. Then in 2003 – 04 came another upgrade, to Dell computers, and with that, the switch from WordPerfect to Word for word processing and from Novell to Outlook for email. Which brings us to the present—the fairly recent switch to Windows 8.1, the use of videoconferencing, the embrace of e-filing. But, as Mr. Conrad underscored, though almost “Everybody loves their computers, email, and Internet now, they still love their paper,” and he wondered whether the court system would ever be able to do away with paper altogether.

On the whole, Ms Granger concluded, ISS, and OSCA, have had “an amazing journey....It’s never been boring because every day brought something new.” And the future beckons with even more breathtaking novelties. Mr. Conrad anticipates technology offering shared workspaces and collaboration functions that readily enable users to manage various document versions and document approvals. He also imagines that working remotely will soon become far easier for judges and court personnel: home monitors will have big screens, and cameras will be connected to everyone’s computers, so interaction will be immediate and personal, even if not in-person. All things considered, it seems inevitable that this “amazing journey” will long continue....

## Florida's Supreme Court Buildings, 1845—Present

(A Journey Through the Whitfield Window)

In early November 2012, the Florida Supreme Court became the new home of an evocative historic treasure: a curved-glass window that, until 1978, adorned Florida's first Supreme Court Building. Thanks to a generous donation from the Florida Supreme Court Historical Society, this elegant window, etched with the official supreme court seal, is now permanently exhibited in a handsome, custom-built mahogany display case in the Lawyer's Lounge.

While admiring this gift in the normally hushed composure of the Lawyer's Lounge, one may find oneself fancifully journeying back in time to supreme court venues of bygone days. For these fortunate time-travelers, the window is more than merely a lovely, framed and glazed aperture between interior and exterior worlds—indeed, it becomes a portal to the past, inspiring curiosity about the earlier settings in which the justices resolved disputes....

The state of Florida, previously a US territory, was admitted to the Union in 1845, and its first constitution created the supreme court—but did not give it any justices. To carry out the function of justices, the legislature vested some judges in the circuit courts with the power to serve as supreme court justices. At the time, Florida had four circuits, and four circuit judges were given the dual role. Their job was particularly grueling because they were obligated to “ride circuit”—that is, they had to make frequent journeys across the state (by horse or carriage) to hear cases in various major cities.

Tallahassee has been the capital city since 1824 (three years after Florida was ceded to the US by Spain). And when the justices were in session in Tallahassee, they convened in an area provided by the legislature, in a building now referred to as the Historic Capitol or the Old Capitol. Their meeting space, the “supreme court room,” was a modest, rustic room lined with utilitarian bookshelves and flanked by two simple wood fireplaces. Indeed, justices had to share an office until 1891, when a small area of the capitol lobby was partitioned to give each one some private space. In 1902, when the building underwent significant reconstruction and expansion, the justices were given a larger space in which to hold session, as well as new offices. A visit to the Old Capitol is a treat for anyone interested in seeing the supreme court's early working quarters: in the late 1980s, after the new capitol was built, the old building was restored to its 1902 appearance; the reconstituted supreme court room includes many of its original furnishings, including the tables, railings, gates, portraits, and the justices bench.

Circuit court judges served as justices until 1851, when a constitutional amendment provided that the supreme court have its own justices: one chief justice and two associate justices (the number was increased to six in 1902, and the court was expanded to its current number, seven justices, in 1940). Between 1852 and 1868, one term per year was held in each of the four circuits—in Tallahassee, Marianna, Jacksonville, and Tampa—so, naturally, justices were still travelling. They remained itinerant until 1868, when a new constitution mandated that the justices meet exclusively “at the seat of government,” Tallahassee.

Meanwhile, through all these years, when the justices were in Tallahassee, they were holding court in their room in the Capitol Building. Finally, in 1912, a building was constructed expressly for the supreme court—on Monroe Street, a block south of the Old Capitol. This was a momentous step because, from the first days of statehood, all of Florida's state government had been housed together in the Capitol Building—so the judiciary became the first branch to have its own separate space. The Supreme Court Building became the second state government building to be erected in Tallahassee. This is also the building that was adorned with the stately, curved-glass window that is now resettled in the Lawyer's Lounge.



In addition to the supreme court, the new building housed the Florida Railroad Commission as well as the court's library—an institution that garnered much praise in its day: "Agents for law book companies who have visited the supreme court library here in the magnificent state supreme court and railroad commission building are unanimous in the declaration that Florida has the best library of law in Southern states, surpassing many of the supreme court libraries of the Northern and Western states and comparing favorably with any in the United States," a journalist wrote in 1917 (see Walter W. Manley's *Supreme Court of Florida and Its Predecessor Courts, 1821 – 1917*).

The court remained in that building until 1949, when it moved to a new—and the current—Supreme Court Building, a few blocks away. In 1952, the court's prior abode was renamed the Whitfield Building, after Justice James B. Whitfield—the state's 33rd justice, who ended up being the second-longest sitting justice in Florida history (he served on the court for 39 years; only Justice William Glenn Terrell served longer, with 41 years on the bench).

Unfortunately, to make room for the construction of the Senate Office Building, the Whitfield Building was demolished in 1978. Auspiciously, however, the curved-glass window etched with the supreme court seal was preserved. Sold to a private collector before the building was razed, it lived in obscurity until 2002, when it was donated to the Florida Supreme Court Historical Society. The largesse of the society made it possible for this window, this portal to the past, to return to its home, the highest court in Florida.

The supreme court is open Mondays through Fridays, 8 AM to 5 PM (excluding holidays). Visitors to Tallahassee are welcome to drop by the supreme court to view the window—and the other historic gems safeguarded by the court's library and archives.

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